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# REPORT

ON

# THE ADMINISTRATION OF CRIMINAL JUSTICE IN OUDH

During the year ending 31st December, 1888.

ALLAHABAD:
NORTH-WESTERN PROVINCES AND OUDH GOVERNMENT PRESS.
1889.

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No. 1216 OF 1889.

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FROM

J. DYSON, ESQ.,

OFFG. JUDICIAL COMMISSIONER OF OUDH,

To

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH, JUDICIAL (CRIMINAL) DEPT.

*Dated Lucknow, the 9th August*, 1889.

SIR,

I HAVE the honor to submit a report on the administration of Criminal Justice in Oudh for the year 1888, with the prescribed returns, and to forward the reports of the Commissioners and Deputy Commissioners in original.

2. The district reports were received from Commissioners on the following dates:—

| | | | | | | |
|---|---|---|---|---|---|---|
| Rae Bareli Division | ... | ... | ... | ... | 6th to 18th February. |
| Sitapur " | ... | ... | ... | ... | 21st February to 25th March. |
| Fyzabad " | ... | ... | ... | ... | 17th to 23rd April |
| Lucknow " | ... | ... | ... | ... | 1st May. |

The first named was the only division from which the returns were received by the prescribed time: it may be added, too, that they were correctly prepared. This shows that the time taken in the other divisions, especially Fyzabad and Lucknow, might be materially curtailed.

The district statements were received on various dates, ranging from 25th January to 12th February.

IMPERIAL RETURN No. I. Number of tribunals.

3. There were 184 criminal tribunals in Oudh, inclusive of 14 benches of Honorary Magistrates, on 31st December, 1888, as against 176 tribunals in 1887. In 1888, there were three Assistant Commissioners, four Deputy Collectors and one Bench of Honorary Magistrates more than in 1887. The new bench was located at Pihani in the Hardoi district.

The criminal tribunals were composed of the following classes of officers:—

| | | | |
|---|---|---|---|
| Europeans and Statutory Civilians ... | Covenanted | ... ... ... | 14 |
| | Military | ... ... .. | 10 |
| | Uncovenanted | ... ... ... | 12 |
| Natives ... ... ... ... ... ... ... | | | 198 |

IMPERIAL RETURN No. II. Offences reported.

4. The number of offences reported during 1888 exceeds the number in 1887 by 669, being 47,508 as against 46,839 in 1887 and 47,080 in 1886. As remarked in the Annual Report for 1886, the words "offences reported" do not refer to offences of which information was given to the police, but to offences brought to the knowledge of a Magistrate (*vide* Secretary to Government of India, Home Department, Letter No. 170, dated 8th February, 1886, para. 5). Counting the Lucknow city as a district, eight districts show an increase in the number of offences reported during 1888, as compared with the figures for 1887, the difference varying from 755 in Gonda to 29 in Lucknow district.

In Gonda the increase is principally under the headings 'offences affecting the human body' 292, 'relating to marriage' 70, 'under special and local laws' 456. In Kheri an increase of 506 offences is thus accounted for :—" The addition of four more " police stations and better reporting accounts in some measure for increase in cognizable " cases, but by far the major portion of the increase consists of non-cognizable offences of " 'assault,' 'causing hurt' and 'defamation.'" The greater part of the increase in offences reported in Rae Bareli (431) comes under the headings 'relating to marriage,' 'affecting the human body' and 'against property.'

The figures for Fyzabad and Sultánpur show a decrease in the number of offences reported during 1888 as compared with the figures for 1887, the differences being 595 in Fyzabad and 532 in Sultánpur. In each district the decrease is in offences 'affecting the human body,' 'against property' and 'under special and local laws.'

Cases struck off or complaint dismissed under section 203, Criminal Procedure Code.

5. The number of offences struck off by order of the Magistrate and of complaints dismissed under section 203, Act X. of 1882, aggregated 15,398 in 1888, being 164 in excess of the number of offences (15,234) thus disposed of in 1887.

The following headings are the principal ones in which complaints were struck off or dismissed :—

| | Reported. | Struck off or dismissed. |
|---|---|---|
| Extortion ... ... ... ... | 263 | 199 |
| Defamation ... ... ... ... | 567 | 386 |
| Wrongful restraint ... ... ... | 376 | 257 |
| Cheating ... ... ... ... | 346 | 210 |
| Mischief ... ... ... ... | 1,887 | 1,020 |
| Offences relating to marriage ... ... ... | 1,608 | 765 |
| Criminal force or assault ... ... ... | 3,709 | 1,505 |
| Hurt ... ... ... .. ... | 11,203 | 4,491 |
| Criminal trespass ... ... ... ... | 4,383 | 1,571 |
| Against public tranquillity ... ... ... | 675 | 190 |
| Theft ... ... ... ... ... | 6,543 | 1,658 |
| Offences against special and local laws ... ... | 11,617 | 1,884 |

Thirty-two per cent. of the total number of offences reported in 1888 were, as in the preceding year, struck off or dismissed.

6. An increase in the percentage of offences struck off or dismissed in 1888, as compared with the percentage for 1887, occurred under the headings 'mischief' and 'defamation' (2· each) and 'offences against special and local laws' (1·). The percentage was similar in both years under 'hurt,' 'criminal force or assault,' 'theft' and 'criminal trespass;' but it was lower in 1888 than in 1887 under the headings 'public tranquillity,' 'wrongful restraint,' 'extortion,' 'cheating' and 'offences relating to marriage.'

Cases struck off.

7. During 1888 there were 2,280 cases struck off from the police registers by order of Magistrates, being fewer by 373 than in 1887. The Deputy Commissioner of Bara Banki (Lieutenant-Colonel Grigg) writes in his district report : " The proportion of cases struck off under criminal trespass, which " includes section 456 (lurking house-trespass or house-trespass by night), is still very " large. I insist on all such cases being sent to me before final orders for expunction " are passed. The police are only too ready to avail themselves of the provisions of " law ; it saves them an infinity of trouble. They are, in fact, always on the lookout " for some opening to escape a lengthy enquiry."

Whilst agreeing with Colonel Grigg that cases should not be struck off the police register without due care being taken that true cases are not expunged, I must point out that the responsibility rests solely with the Magistrate, not the police. On referring to the district return, I find that out of 230 cases of criminal trespass reported during 1888 in the Bara Banki district, only one case was struck off by order of the Magistrate ;

but 62 cases were dismissed by the Magistrate under section 203, being under 27 per cent. of the number reported. The provincial average number of cases of criminal trespass struck off or dismissed was 36 per cent. in 1888 as well as in 1887.

The Deputy Commissioner of Partábgarh (Lieutenant-Colonel Quin) writes: "More than half the cases under hurt (*a*) and assault (*b*) were "struck off under section 203"—he should have written 'dismissed" as struck off would mean expunged from the police registers, whereas only six cases in all were struck off—"and this is as it should be. A careful examination of "the complainants in these cases will always save a vast amount of worry and loss to "all parties where the injury complained of is a fanciful or invented one. The number of cases dismissed (*c*) and struck off (*d*) under section 379, "'theft,' seems very large." The percentage was 45 as against the provincial average 25.

(*a*) 382 out of 707 cases.
(*b*) 74 out of 137 cases.
(*c*) 63 out of 547 cases.
(*d*) 186 out of 547 cases.

"The same remark applies to cases under section 457 (lurking house-trespass or "house-breaking by night). I have taken the matter into my own hands now, as it "seems to me that cases are struck off too readily (*e*), and as a matter of course, on the "application of the District Superintendent of Police, by the "lower courts." The percentage of such cases struck off or dismissed was high, it being 53 as against the provincial average 36.

(*e*) 135 struck off and 6 dismissed out of 263 cases.

The Deputy Commissioner of Sitapur (Mr. Butts) writes: "Most of the cases of "'hurt' and 'assault' have been struck off under section 203 in my own court at the "time of taking petitions. If there has been no hurt or wrong done and the quarrel "is of a temporary character, I reject the complaint. The petitioners are generally "satisfied. The result of prosecution of such cases would probably lead to fine under "section 250, Criminal Procedure Code."

The Deputy Commissioner of Kheri (Lieutenant-Colonel Cowie), in referring to the number of offences dismissed under section 203, remarks: "The percentage "of cases struck off to cases reported rose from 20 to 24 per cent., a considerable improve-"ment, the increase being almost entirely under sections 323 (hurt), 352 (assault) "and 500 (defamation), Indian Penal Code. Looking to the extremely low percentage "of convictions under these sections, a much more extended exercise of the provisions "of the section seems called for."

8. There has been a steady decrease during the past three years in the number of persons to whom compensation was awarded for being accused on frivolous and vexatious grounds, the figures being 223 in 1886, 189 in 1887 and 180 in 1888.

Number of cases in which compensation was awarded.

The Deputy Commissioner, Unao (Mr. Gibson), writes: "Considering the "large number of discharges and acquittals in complaint cases, many of which presum-"ably were frivolous and vexatious, it would seem as if the provisions of section 250, "Criminal Procedure Code, were but sparingly enforced," on which the Commissioner of the Division remarks as follows:—"It is extremely difficult to get Magistrates to bear "in mind the limited application of section 250, Criminal Procedure Code, or to give "sufficient effect to it within the limits which affect it."

The Deputy Commissioner of Partábgarh (Colonel Quin) remarks that, "To the "Honorary Magistrates falls the large portion of the petty cases under which com-"pensation is awardable, and I think it a great pity that the provisions of section 250, "Criminal Procedure Code, are not extended to cases of petty theft and hurt. In "most of the cases the difference between sections 323 and 352 is merely technical, "and it is so very rare that a prosecution takes place under section 211, Indian Penal "Code, that the section in question is no real check against false charges."

9. Mr. Young during the past year addressed the Government upon the desirability of enlarging the scope of section 250, and as the High Court of Allahabad is of the same opinion, it is to be hoped that ere long a change in the law will be made. My

predecessor confined his recommendation to the offences enumerated in section 260, Indian Penal Code. As they include most of the sections under which so many frivolous complaints are at present made, such extension of the provisions of section 250 would practically suffice.

Complaints dismissed.

10. There was an increase during 1888 of 537 in the number of complaints dismissed by Magistrates under section 203, which aggregated 13,118 as against 12,581 in 1887. In seven districts there was a decrease in the number of dismissals, varying from 51 in Partábgarh to 215 in Rae Bareli. Bahraich shows an increase in the number of dismissals during 1888, as compared with the figures for 1887, of 317, followed by Kheri 289, Lucknow city 271, Rae Bareli 225, and Gonda 203. This increase in the number of complaints dismissed was for the most part in Bahraich, Kheri, Lucknow city and Gonda under 'hurt' and 'criminal force.' Lucknow city and Rae Bareli show an increase in dismissals under 'criminal trespass' and 'security for keeping the peace,' whilst in Rae Bareli and Gonda there was a noticeable increase in dismissals under 'mischief' and 'offences relating to marriage.'

Cases brought to trial.

11. During 1888 the number of cases brought to trial, including 573 that were pending at the commencement of the year, aggregated 32,683, being 541 more than the number brought to trial in 1887, which was 32,142 cases. The district figures for both years are as follows :—

| | 1887. | 1888. | *Difference.* |
|---|---|---|---|
| Rae Bareli ... ... ... | 2,053 | 2,675 | +622 |
| Gonda ... ... ... ... | 3,111 | 3,693 | +582 |
| Kheri ... ... ... ... | 2,708 | 2,991 | +283 |
| Partábgarh ... ... ... | 1,564 | 1,697 | +133 |
| Lucknow ... ... ... | 1,540 | 1,660 | +120 |
| Sitapur ... ... ... ... | 2,572 | 2,644 | + 72 |
| Lucknow city ... ... ... | 3,118 | 3,157 | + 39 |
| Fyzabad ... ... ... ... | 4,400 | 3,830 | —570 |
| Sultánpur ... ... ... | 2,151 | 1,878 | —273 |
| Bahraich ... ... ... | 2,169 | 2,008 | —161 |
| Unao ... ... ... ... | 1,633 | 1,524 | —109 |
| Bara Banki ... ... ... | 1,889 | 1,792 | — 97 |
| Hardoi ... ... ... ... | 3,225 | 3,134 | — 91 |

In the first seven districts there was an increase of 1,864 cases brought to trial as against an increase of 2,038 reported, and in the remainder there was a decrease of 1,350 in number of offences reported and 1,310 cases brought to trial in 1888 as compared with the figures for the previous year.

12. The headings 'hurt,' 'theft,' 'criminal force' and 'offences against marriage' show an increase in the number of cases brought to trial during 1888 as compared with the number in 1887; but there is a decrease under 'criminal trespass,' and 9,820 offences against local and special laws were brought to trial in 1888 as against 9,821 in 1887.

13. The number of cases brought to trial during 1888 in Rae Bareli, Gonda and Kheri is greatly in excess of the figures for 1886. In Partábgarh and Lucknow there has been a steady increase during 1887 and 1888, whilst Bahraich, Unao, Hardoi and Lucknow city show a like decrease in the number of cases brought to trial. In Sultánpur 1,578 cases were brought to trial in 1886 as against 2,151 in 1887 and 1,878 in 1888.

The figures for Sitapur and Fyzabad fluctuate in like manner. In Bara Banki the difference in 1888 was only—91, whereas in 1887 it was—947, as compared with the figures of the previous year.

With regard to cause of fluctuations in crime, Colonel Horsford, Deputy Commissioner, Hardoi, writes as follows :—"I simply cannot give causes of increase or decrease "which could be accepted as trustworthy. The causes depend so much on individual "officers. A police officer, by incessant patrolling, will decrease crime in a town. In

"the same way, by steadily following up criminals, drive them from his circle. He is "transferred elsewhere with the same result, and his old circle gets as bad as ever." Upon which Mr. G. Adams, the Commissioner of Sitapur Division, notes: "I agree "with the Deputy Commissioner that it is impossible to give explanations of any value "regarding the ordinary variations in crime."

Persons brought to trial.

14. The number of persons brought to trial in 1888 were 1,657 in excess of the number brought to trial in 1887 (60,370), which rose to 62,027 in 1888.

Details of disposal of persons under trial are given below :—

| | | | | *Number.* | *Percentage.* |
|---|---|---|---|---|---|
| Acquitted or discharged | ... | ... | ... | 31,649 | 50·86 |
| Convicted ... | ... | ... | ... | 29,010 | 46 76 |
| Died, escaped, &c. | ... | ... | ... | 49 | ·07 |
| Remaining under trial | .. | ... | ... | 1,319 | 2 12 |

The percentage of convictions was 46·76, being a trifle lower than in 1887 when it was 47·73.

General results.

15. The general results for the years 1887 and 1888 are as follows :—

| | | | | 1887 | 1888. |
|---|---|---|---|---|---|
| Cases reported | ... | ... | ... | 46,839 | 47,508 |
| " struck off and dismissed | | ... | ... | 15,234 | 15,398 |
| " returned as true ... | | ... | ... | 31,605 | 32,110 |
| Percentage returned as true | | ... | ... | 67·47 | 67·58 |
| Persons under trial | ... | ... | ... | 60,370 | 62,027 |
| " convicted | ... | . | ... | 28,819 | 29,010 |
| Percentage of convictions | | ... | ... | 47·73 | 46 76 |

Certain special details.

16. In each of the years 1886, 1887 and 1888, twenty-one per cent. of the persons under trial for offences classed under 'hurt,' 'assault,' 'theft,' 'mischief' and 'criminal trespass' were discharged. Out of 60,659 persons tried during 1888 only 29,010, or over 47 per cent. of them, were convicted. Higher percentages of convictions were obtained during the year under report than in the preceding year under the headings 'offences relating to religion,' 'kidnapping,' 'theft,' 'mischief' and 'offences relating to marriage.'

The percentages of convictions obtained under headings 'wrongful restraint,' 'cheating' and 'offences against special and local laws' were the same in 1888 as in 1887. Offences classed under 'rape' and 'relating to documents,' &c., show a great decrease in the percentage of convictions obtained in 1888 as compared with the percentage in 1887, and a slight decrease has similarly occurred under 'hurt,' 'criminal force and assault,' 'extortion,' 'robbery and dakaiti,' 'defamation' and 'criminal intimidation.'

Rioting.

17. The provincial percentage of convictions against persons tried under the charge 'rioting' was high, it being over 60 per cent. In the Lucknow city every person so charged was convicted (there were only seven in all). Hardoi follows with 80 per cent., then Lucknow and Sitapur each 65 per cent., Kheri 56 per cent., Gonda and Sultánpur each 52 per cent. and Fyzabad with 51 per cent. of convictions.

Affray.

18. No less than 84 per cent. of the persons tried under 'affray' during 1888 were convicted. Every person so charged in Sitapur (2), Kheri (3) and Ráe Bareli (4), was convicted. The percentage of convictions obtained was very high in Sultánpur (96·), Lucknow city and Gonda (each 93·), Fyzabad (88·) and Bara Banki (83·).

Attempted suicide.

19. In 1888 the number of persons tried for attempted suicide was 303 as against 324 in 1887. The percentage of convictions obtained in 1888 was 69· as against 70· in 1887.

Hurt.

20. There is very little difference between the figures relating to the offence 'hurt' for the years 1887 and 1888. In 1888 complaints rose to 10,493 from 10,367 in 1887; 4,410 complaints were struck off or dismissed by the Magistrate in 1888 as against 4,377 in 1887; and out of 13,568 persons tried in 1888 as against 13,426 tried in 1887, the number acquitted was 7,907 as against 7,837 in 1887, the percentage of acquittals being 58· in each year. The district percentages of acquittals were as follows :—

| | 1887. | 1888. |
|---|---|---|
| Gonda ... ... ... ... ... ... | 70· | 73· |
| Sitapur ... ... ... ... ... ... | 64· | 72· |
| Rae Bareli ... ... ... ... .. ... | 78· | 63· |
| Hardoi ... ... ... ... ... ... | 70· | 62· |
| Kheri ... ... ... ... ... ... | 66· | 59· |
| Unao ... ... ... ... ... ... | 54· | 58· |
| Sultánpur .. ... ... ... ... ... | 60· | 56· |
| Lucknow City .. ... ... ... ... ... | 42· | 53· |
| Fyzabad ... ... ... ... ... ... | 50· | 49· |
| Lucknow ... ... ... ... ... ... | 37· | 46· |
| Bahraich ... ... ... ... ... ... | 59 | 48· |
| Partábgarh ... ... ... ... ... ... | 42· | 47· |
| Bara Banki ... ... ... ... ... ... | 52· | 45 |

The above percentages show that in the first eight districts on the list a much larger number of complaints of hurt should have been rejected by the Magistrates than actually were so. In Lucknow city and Lucknow the percentage for 1888 is 11· and in Sitapur and Hardoi it is 8· in excess of that for 1887. In Rae Bareli the percentage for 1887 is reduced by 15· this year, which shows that more discrimination was exercised by Magistrates in that district in admitting complaints in 1888 than in 1887.

Wrongful confinement and wrongful restraint.

21. None of the 21 persons tried under this charge in Lucknow city (3), Unao, (11) and Bara Banki (7) were convicted. The percentage of convictions to persons tried was in Partábgarh 63·, in Hardoi 57· and in Gonda 27·, and varied from to 2· to 17· in the remaining districts.

Criminal force and assault.

22. During the year under report 3,709 complaints under this class of offences were made, being 507 more than in 1887, in which year 3,535 persons were tried, of whom 2,363 were acquitted, whereas 4,453 persons were tried and 3,141 were acquitted in 1888, or 70· per cent. as against 68· in 1887. The percentage of acquittals in the districts were—

| | 1887. | 1888. |
|---|---|---|
| Kheri ... ... ... ... ... | 66· | 85· |
| Unao ... ... ... ... ... ... | 54· | 77· |
| Sitapur ... ... ... ... ... ... | 64· | 75· |
| Lucknow City ... ... ... ... ... | 42· | 74· |
| Fyzabad ... ... ... ... ... ... | 50· | 72· |
| Lucknow ... ... ... ... ... | 37· | 71· |
| Hardoi ... ... ... ... ... ... | 70· | 71 |
| Bahraich ... ... ... ... ... ... | 59· | 66· |
| Partábgarh ... ... ... .. ... | 42· | 63· |
| Rae Bareli ... ... ... ... ... | 78 | 59· |
| Bara Banki ... ... ... ... ... | 52· | 58· |
| Gonda .. ... ... ... ... ... | 70· | 52· |
| Sultánpur ... ... ... ... ... | 60· | 37· |

The percentage for 1888 in Sultánpur (—23·), Rae Bareli (—19·) and Gonda (—18·) is very much lower than it was in 1887 but all other districts show a much higher percentage in 1888, especially Lucknow (+34·), Lucknow city (+32·), Unao (+23·), Fyzabad (+22·) and Partábgarh (+21·)

The Deputy Commissioner of Bara Banki writes: "The decrease in ordinary "hurt cases no doubt accounts for the increase in assault cases; for Magistrates are "often compelled by the circumstances of the case to relegate a hurt case to one of "assault."

The Deputy Commissioner of Kheri remarks as follows :—"Of 1,093 persons tried "for assault, only 92 were convicted; the number acquitted, 938, is made up mainly of "compoundings, withdrawals and discharges in default of prosecution." There were 63 persons discharged in default of prosecution in addition to the 938 acquitted.

The Deputy Commissioner of Gonda notes: "On the slightest provocation people "lodge complaints against their opponents."

The figures show that in several districts there can hardly be any examination of the complainant before issue of summons. It is doubtless true that a number of cases are compounded on receipt by the accused of a summons, but that occurs in all districts; and when there are 85 per cent. of acquittals in one district as against 37 in another, it is only fair to infer that in the one district there is neglect of, and in the other compliance with, the injunctions so often issued on the subject.

Rape.

23. During 1888 the provincial percentage of convictions fell to 31 from 56·66 in 1887. Out of 58 persons tried for rape 29 were discharged for want of prosecution, which plainly shows that the Magistrates did not exercise sufficient care in admitting such charges. In Gonda six persons out of seven, in Fyzabad four out of six, and in Hardoi six persons out of eleven tried were thus discharged.

Cattle theft with aggravating circumstances.

24. Out of 25 persons tried under this head during 1888, convictions were obtained against 17, being 68· per cent. In Partábgarh 18 persons were tried, of whom 13 were convicted.

Theft.

25. The provincial percentage of persons convicted of theft during 1888 was 2 per cent. better than in the previous year, it being 71·1 in 1888 as against 69·61 in 1887. Six districts show a higher percentage than the provincial one, *viz.*, Unao 79·, Lucknow city 76·, Kheri and Partábgarh 75·, Bara Banki 73· and Gonda 71·7. The percentage in the other districts varies from 70· in Lucknow down to 62· in Sultánpur.

Robbery and dakaiti

26. In 1888 out of 238 persons tried under the seven headings classed as robbery and dakaiti, only 95 or 39·9 per cent. were convicted as against 44·71 per cent. in 1887. In Lucknow there was a case of dakaiti involving three persons and an attempt at dakaiti involving eight persons. These 11 persons were discharged. The percentages of convictions obtained in Sitapur 70·, Unao, Rae Bareli and Partábgarh, 66·, Lucknow city 60·, and Fyzabad 56· may be looked upon as good; in Bara Banki 38·, Kheri 35·, Hardoi and Gonda 31·, as unsatisfactory, and in Sultánpur 26· and Bahraich 11·, as very bad.

Receiving stolen property.

27. The provincial percentage of persons convicted during 1888 of receiving stolen property was very high, 69·5, though somewhat lower than in the previous year, when it was 72·2. Seven districts show a higher percentage of convictions than the provincial one, *viz.*, Kheri 78·, Gonda and Bahraich 73·, Partábgarh 72·, Bara Banki and Hardoi 71·, and Sitapur 70·. The percentages in the remaining districts range from 68· in Lucknow down to 55· in Sultánpur. In Unao the figures for 1887 and 1888 were identical, 64 persons having been tried, of whom 41 were convicted in each year.

Cheating.

28. Out of 346 complaints of cheating made in 1888 no less than 210 were struck off or dismissed by the Magistrate, but even this number was not enough, as out of 194 persons tried 122, or 63 per cent., were discharged for want of prosecution. In Lucknow city out of 34 tried 24 persons were discharged, in Kheri 25 persons were discharged out of 34 tried, in Fyzabad 19 persons were discharged out of 25, and in Bahraich 13 out of 17 persons tried. In consequence of this the provincial percentage of convictions to persons tried was only 22·. In Hardoi, however, 15 out of 18 complaints were struck off or dismissed by the Magistrate, 3 persons were tried and 2 convicted. Similarly in Sultánpur, 3 out of 7 complaints were dismissed and 4 persons tried, of whom 2 were convicted.

Offences relating to documents, trade and property marks.

29. During 1888 only 29 persons were tried under charges of offences connected with documents or trade or property marks, of whom 17 were convicted as against 53 persons tried and 6 convicted during 1887. Out of 55 complaints made 35 were struck off or dismissed by the Magistrate. In Fyzabad nine persons were convicted out of 13 tried and in Lucknow out of two persons tried one was convicted. Four persons were tried in Lucknow city, one in Unao and two in Hardoi, all of whom were convicted.

Offences relating to marriage.

30. Complaints under this head rose from 1,462 in 1887 to 1,668 in 1888, during which year 765 were struck off or dismissed by the Magistrate as against 737 in 1887. A larger number might have been safely dismissed, as out of 1,102 persons tried in 1888 no less than 405 or 36 per cent. were discharged for want of prosecution.

The percentage of convictions to persons tried was 18·6 in 1888 as against 17·2 in 1887. The highest district percentages in 1888 were Bara Banki 29·1, Partábgarh 28·1 and Rae Bareli 25·2; the lowest were Fyzabad 14·, Kheri 13·1 and Sitapur 12·4.

Defamation.

31. There were 567 complaints of defamation, out of which 389 or 68 per cent. were dismissed by the Magistrate during the year under report. In the preceding year 528 or 66 per cent. of complaints were similarly dismissed out of 528 made. During 1888 no convictions were obtained in Lucknow, Unao, Bahraich and Partábgarh, though in those districts the Magistrates freely exercised their powers under section 203, Criminal Procedure Code; for in Lucknow 32 out of 36, in Unao 17 out of 21, in Hardoi two out of six and in Bahraich no less than 68 out of 73 complaints were dismissed. In Kheri only 72 complaints were dismissed out of 142 made, and the result was out of 96 persons tried 29 were discharged for want of prosecution, 58 were acquitted and only nine were convicted.

Criminal intimidation and annoyance.

32. Out of 220 persons tried for these offences during 1888 only 41 persons, or not quite 19 per cent., were convicted as against 27 per cent. in 1887. The number of complaints made in 1888 was 294, out of which 168 were struck off or dismissed. In Bara Banki two persons were tried and nine persons in Gonda, none of which were convicted. The single person tried in Lucknow was convicted. In Hardoi the percentage of convictions to persons tried was 41·, in Lucknow city 37·, in Bahraich 33·, in Kheri 16·, in Unao 14· and in Sitapur only 4·.

Arms Act, XI. of 1878.

33. Fifty persons were tried in 1887 for offences against the Arms Act, trials having occurred in each district in the province, and 37 persons were convicted. During 1888 the trial of 54 persons, of whom 43 were convicted, took place in seven districts only. In Hardoi seven persons were tried and convicted, and 18 persons were convicted out of 21 tried in Kheri.

Cantonment Act, III. of 1880.

34. There was a considerable falling off during 1888 in offences under the Cantonment Act as compared with the figures for 1887. In Lucknow 404 persons and in Fyzabad 267 persons were tried during the year under report, as against 559 in Lucknow and 419 in Fyzabad during the previous year. The percentage of convictions was 86· in 1888 and 89· in 1887.

The Deputy Commissioner of Fyzabad explains the falling off in that cantonment thus:—"These fluctuations seem to show nothing more than a reaction after the abnor-"mal activity with which offences of this class were prosecuted in 1887."

Criminal Tribes and Eunuchs Act, XVII. of 1871.

35. The number of persons tried in 1888 under the Criminal Tribes Act rose to 237 from 147 in 1887. Three persons tried in Bahraich were convicted, and out of 234 tried in Gonda 227 persons were convicted. The Deputy Commissioner of Gonda gives no explanation of the large increase in the figures over those of 1887 and still more of 1886.

36. Only 94 persons were tried during the year under report for offences against the forest laws as against 155 in the previous year. In Bahraich 63 persons were convicted out of 66 tried and 19 were convicted out of 23 tried in Kheri.

Forest Act, VII. of 1878.

37. The figures under this class of offence are very much alike in the years 1887 and 1888. In the former year 589 persons were convicted out of 754 tried, in the latter year 588 persons were convicted out of 763 tried. During 1888 convictions were obtained against all the persons tried in Bara Banki (seven) and in Partábgarh (three), but only four were convicted out of 23 persons tried in Fyzabad, 19 having been discharged. In the Lucknow city 256 persons were convicted out of 310 tried.

Gaming and Lotteries Act, III. of 1867.

38. There were only 73 persons tried during 1888 for breaches of municipal bye-laws in excess of the number tried in 1887, the figures being 5,743 in 1888 as against 5,670 persons tried in 1887.

Municipal Bye-Laws.

The percentage of convictions obtained in each year was very good, it being 87· in 1888 and 86· in 1887. The number of persons tried in both years is given below :—

| | 1887. | 1888. | *Difference.* |
|---|---|---|---|
| Fyzabad ... ... ... | 1,304 | 1,936 | +632 |
| Lucknow city ... ... ... | 1,426 | 1,673 | +247 |
| Hardoi ... ... ... | 343 | 529 | +186 |
| Gonda ... ... ... | 548 | 436 | —112 |
| Sitapur ... ... ... | 549 | 333 | —216 |
| Bahraich ... ... ... | 655 | 322 | —333 |
| Rae Bareli ... ... ... | 359 | 201 | —158 |
| Partábgarh ... ... ... | 47 | 82 | + 35 |
| Bara Banki ... ... ... | 165 | 77 | — 78 |
| Kheri ... ... ... | 90 | 71 | — 19 |
| Sultánpur ... ... ... | 149 | 70 | — 79 |
| Unao ... ... ... | 35 | 13 | — 22 |

The Deputy Commissioner of Fyzabad (Mr. Robinson) writes: "The number "of offences under local laws is still much above the figures of 1886. I pointed out "last year that an increase had been going on for some years in this class of offences, "and the decrease this year is only natural." The Fyzabad returns for 1887 and 1888 give the following figures under "Municipal Bye Laws" :—

| | 1887. | 1888. |
|---|---|---|
| Offences reported ... ... ... | 790 | 786 |
| Persons tried ... ... ... | 1,304 | 7,936 |

which show that whilst offences have remained stationary, persons tried have increased by one-third.

The Deputy Commissioner of Sitapur (Mr. Butts) writes: "Offences against "municipal bye-laws have materially decreased. The decrease is due to Khyrabad. "The Bench of Magistrates is practically broken up there, owing to the departure of "two out of the three Magistrates. I have not yet been able to recommend their "successors."

39. The returns for 1888 show that 3,701 persons were tried under Act V of 1861, being 236 more than in 1887. The percentage of persons convicted to persons tried likewise rose from 92· to 94· in 1888, in which year out of 962 persons tried in Lucknow city 905 were convicted. In Rae Bareli 738 persons were tried, of whom 702 were convicted, as also were 621 persons out of 658 tried in Fyzabad.

Nuisances Act, V. of 1861.

40. There was a falling off in the number of persons tried (333) in 1888 for offences against the Opium Acts as compared with 419 persons tried in 1887. The percentage of convictions to persons tried fell from 78· in 1887 to 75· in 1888.

Opium Acts, XIII. of 1857 and I. of 1878.

41. There has been a steady increase in the number of persons tried under the Railways Act during the past three years, 46 having been tried in 1886, 84 in 1887 and 101 in 1888. The percentage of convictions rose from 70· in 1887 to 77· in 1888.

Railways Act, IV. of 1883

42. As in 1887 so in 1888, there was a decrease as compared with the figures for the preceding year in the number of persons tried for breaches of the Stamp Law, as only 246 were tried as against 605 in 1887. The numbers fell in Sultánpur from 210 in 1887 to five in 1888, and similarly in Fyzabad from 102 to 45. The percentage of convictions to persons tried was, however, 72· in each year. No notice of the decrease is taken in the Fyzabad report, but the Deputy Commissioner of Sultánpur remarks: "There was an unusual laxity, I think, in "prosecution of Stamp offences," and in the remark I must concur.

Stamp Act, I. of 1879.

43. The number of persons called upon to give security for keeping the peace rose from 1,964 in 1887 to 2,756 in 1888, of whom 1,566, or 56 per cent., as against 55 per cent. in 1887, were required to furnish security. The districts which show the most noticeable increase in the number of persons called upon to give security in 1888 as compared with the figures for 1887 were Hardoi +252, Gonda +189, Fyzabad + 160 and Rae Bareli + 101.

IMPERIAL RETURN No. III. Proceedings under Criminal Procedure Code. Security for keeping the peace

44. During 1888 there was an increase of 146 persons over the number called upon to give security for good behaviour in 1887, when 370 persons were so called on as against 516 in 1888.

Security for good behaviour

The difference in numbers between the two years is distributed over the following districts, *viz.*, Gonda +83, Hardoi +50, Unao +35 and Partábgarh +22, but some other districts show a decrease.

45. I here give in full the remarks made on this subject by Lieutenant-Colonel T J. Quin, Deputy Commissioner of Partábgarh :—

"Under chapter VIII., Criminal Procedure Code, a very marked increase has taken "place in the year under report: a number of appeals against orders passed under "section 110, Criminal Procedure Code, have come before me, and I am constrained to "state that the law has, in my opinion, been somewhat strained in this district. As I "have remarked in the Police Administration Report, it is one thing to check the career "of a man who is an undoubted pest to his neighbours and whose life is so notoriously "bad that the precautionary measures of section 110 as enforced against him are "a real boon to all living in his vicinity, but quite another matter for a hitherto lazy "and supine police officer, on being stirred up by his District Superintendent, to visit "all the surrounding villages of his thána in a spasm of activity and try to find out "some one who can be run in under the section. This procedure gives a chance for "old grudges to be paid off in perfect security, for it must be remembered that witnesses have to depose to nothing specific as in an ordinary criminal case. In the "cases which have come before me the evidence has been of a stereotyped character— "accused is a well known *badmásh*. He lives by thieving, though he cultivates a little "land. Every one is in terror of him. He always associates with thieves and gamblers. "Once a man is sent up by police I do not see how he is to escape, for any one trying "to help him is at once a marked man."

"I note that the Judicial Commissioner wishes all these cases to be dealt with "by officers on the spot during their camping tours. The only difficulty about this "is, that much delay would take place, and the accused would very probably make "himself scarce before any enquiry could be made. I have written to the District "Superintendent, asking for his suggestions as to how this section can be worked. As "the Judicial Commissioner enjoins, I shall myself take up all this class of cases for "the future, as I consider it most liable to abuse and arbitrary action on the part of "the police. The accusation should spring *bonâ fide* from a man's neighbours and

"not from the visit of a police officer under orders to work up the section. It should "be shown that the thefts and burglaries and other offences against property are "rife in the neighbourhood of the accused. Some specific action on his part in the way "of habitual gambling and association with bad characters should *be proved*. If all "these conditions are fulfilled, no one can say that a demand for security is unfair "or uncalled for. But the mere general opinion of a few people should not send an "unfortunate fellow to jail, which in nine cases out of ten is the result of a demand "of security."

Colonel Quin writes strongly on the subject, and it would have been well had the Commissioner added his own remarks. Five persons were apprehended and convicted under this section in 1887 against 27 and 19, respectively, in the year under review. The result of appeal to the Deputy Commissioner cannot be ascertained from the returns. I have asked the Commissioner to report whether in his opinion this provision of the law is fairly worked in Partábgarh.

Proceedings against local nuisances.

46. The number of persons charged under this head rose to 212 in 1888 from 189 in 1887. The percentage of persons convicted likewise rose from 75· in 1887 to 76· in 1888. In Lucknow city 60 persons, and in Sultánpur 26 persons, were tried, all of whom were convicted, as also were 39 persons out of 40 tried in Lucknow. Only five persons were convicted out of 46 tried in Hardoi.

Frivolous and vexatious complaints.

47. There was a small decrease in 1888, as compared with the figures for 1887 in the number of cases and persons before the courts in which the payment of compensation under section 250, Criminal Procedure Code, was ordered, the figures being 168 cases 180 persons as against 180 cases 189 persons in 1887.

IMPERIAL RETURN No. IV. Magisterial work.

48. During 1888 there were 61,923 persons under trial as against 60,230 in the previous year.

The following figures show how the above number of persons were disposed of:—

| | 1887. | 1888. |
|---|---|---|
| Died, escaped or transferred ... ... ... ... | 88 | 47 |
| Discharged or acquitted ... ... ... ... | 29,807 | 31,410 |
| Convicted on regular trial ... ... ... ... | 24,144 | 24,554 |
| Ditto summary trial ... ... ... ... | 4,196 | 3,999 |
| Committed or referred ... ... ... ... | 708 | 727 |
| Remaining under trial ... ... ... ... | 1,237 | 1,186 |
| Average duration of each case (days) ... ... ... | 5·93 | 6·02 |

In 1888 the percentage of convictions on the number of persons under trial was 46·1 as against 47·05 in 1887.

49. From the district reports it will be seen that the higher percentages of convictions were obtained in Lucknow city 64·93, Fyzabad 55·02, Gonda 49·92, Hardoi 49·40, Lucknow 48·79, Unao 48·54 and Bahraich 48·20, all of which are higher than the provincial percentage. In the Lucknow city the percentages obtained by Tahsildárs, Native Assistants and European Assistants were higher than in any district; but Honorary Magistrates in Lucknow and Rae Bareli obtained better percentages than their brother officers in Lucknow city. The Deputy Commissioner of Lucknow remarks: "The "percentage of convictions by Honorary Magistrates in the city is poor (61·96), con-"sidering the enormous number of bye-law and nuisance cases which they try, in "which there is no defence attempted. Judging from the monthly returns, I think "they might inquire a little more into assault cases before granting summonses." In Fyzabad Honorary Magistrates, Tahsildárs and European Assistants obtained good percentages of convictions.

50. Honorary Magistrates obtained higher percentages in Lucknow district (77·51) and in Rae Bareli (68·63) than in other districts.

51. Omitting Lucknow city, in which five persons were tried by the Tahsíldár and convicted, the highest percentage of convictions obtained by Tahsíldárs was 57·15 in Unao, followed by 52· in Kheri and 48·57 in Fyzabad.

52. The Commissioner of Sitapur Division accounts for the low percentages of convictions obtained by Honorary Magistrates and Tahsíldárs as follows :—" The " Honorary Magistrates and the Tahsíldárs have a very large proportion of petty cases " in which compromise between the parties is not only legal, but often very desirable."

53. In 1888 the average duration of trial of a case rose to 6·02 days from 5·93 days in 1887, an increase which is nominal only.

54. The following statement shows the amount of work performed by the several classes of Magistrates during 1887 and 1888 :—

| Classes of Courts. | 1887. | | 1888. | |
|---|---|---|---|---|
| | Number of persons disposed of. | Percentage of total number of persons disposed of. | Number of persons disposed of. | Percentage of total number of persons disposed of. |
| Unpaid Magistrates sitting singly ... ... ... | 6,531 | 11·0 | 6,546 | 10·7 |
| Benches of Magistrates ... ... ... | 8,995 | 15·2 | 9,682 | 15·9 |
| Local and Subordinate paid Magistrates ... ... | 12,123 | 20·5 | 12,143 | 19·9 |
| Full power Magistrates of general jurisdiction, Natives ... | 21,719 | 36·8 | 23,752 | 39·1 |
| Full power Magistrates of general jurisdiction, Europeans, | 7,643 | 12·9 | 6,622 | 10·9 |
| Chief Magistrates of districts ... ... ... | 1,503 | 2·5 | 1,618 | 2·6 |
| Deputy Commissioners under section 34, Act X of 1882 ... | 379 | 0·6 | 374 | 0·6 |

Full power Native Magistrates did more criminal work in 1888 than in 1887.

55. Honorary Magistrates who sat singly in 1888 numbered 52 as in 1887, in which year they disposed of cases, involving 6,531 persons as against 6,546 persons in 1888.

Unpaid Magistrates, Benches of Magistrates.

56. Out of 44 Honorary Magistrates who disposed of criminal work during 1888 the undermentioned decided over 100 cases each, *viz.*—

| | Cases. |
|---|---|
| Munshi Mumtaz Ali, Gonda ... ... ... ... ... | 385 |
| Maulvi Khalil-ul-lah Khan, Kheri ... ... ... ... ... | 257 |
| Lal Partáb Bahadur Singh, Partábgarh ... ... ... ... | 232 |
| Rája Jagmohan Singh, Rae Bareli ... ... ... ... ... | 205 |
| Munshi Ali Bakhsh Khan, Unao ... ... ... ... ... | 186 |
| Bhaya Shambhu Dat Ram Pande, Gonda ... ... ... ... | 184 |
| Major G. W. Anson, Gonda ... ... ... ... ... | 170 |
| Rája Jang Bahadur Khan, C. I. E., Bahraich ... ... ... ... | 131 |
| Shaikh Tasadduk Rasul, Bara Banki ... ... ... ... | 130 |
| Munshi Tasadduk Hussin, Kheri ... ... ... ... ... | 125 |
| Sayyid Ahmad Hussin Khan, Partábgarh ... ... ... ... | 123 |
| " Wasi Haidar, Hardoi ... ... ... ... ... | 114 |
| Rae Narain Bali, Bara Banki ... ... ... ... ... | 105 |

Those Benches of Honorary Magistrates who disposed of more than 100 cases each during 1888 are noted below :—

| Benches. | Cases. |
|---|---|
| Lucknow City ... ... ... ... ... ... | 1,999 |
| Fyzabad ... ... ... ... ... ... ... | 1,237 |
| Gonda ... ... ... ... ... ... ... | 459 |
| Sandila ... ... ... ... ... ... ... | 370 |
| Rae Bareli ... ... ... ... ... ... ... | 274 |
| Sitapur ... ... ... ... ... ... ... | 190 |
| Khyrabad ... ... ... ... ... ... ... | 103 |
| Muhamdi ... ... ... ... ... ... ... | 103 |

57. The unpaid magistracy disposed of 26·7 per cent. of the total number of persons disposed of by all classes of Magistrates during 1888, being a little more than in 1887.

58. I have the pleasure to bring to the notice of Government the names of the following gentlemen who were very regular in their sittings on the Lucknow city Bench :—

Babu Sheo Parshad, Sayyid Afzal Ali Khan, Hakim Nazar Hasan, Sah Gobardhan Das, Rai Bahadur, Darogah Ashik Jafir Khan.

The several Deputy Commissioners of the districts in which the gentlemen named in para. 56 reside acknowledge the great assistance rendered by them.

59. During the year under report Deputy Commissioners under their ordinary powers disposed of 1,618 persons or 108 more than in the preceding year. They also disposed of 374 persons under their section 34 powers, being seven less than in 1887.

60. The work done by Deputy Commissioners during 1888 under their ordinary, enhanced and summary powers is shown in the following statement :—

| Name of Deputy Commissioner. | District. | Period during which charge was held. | Number of cases disposed of | | |
|---|---|---|---|---|---|
| | | | Under their ordinary powers | Under section 34, Criminal Procedure Code. | Under their summary powers. |
| Mr. H. S. Boys ... ... | Lucknow .. | 5 months ... ... | 37 | 10 | 9 |
| „ F Baker ... ... | | 2 „ ... ... | ... | 2 | ... |
| „ W. F. Wells ... ... | | 5 „ ... ... | 20 | 10 | ... |
| „ L. G Evans ... ... | Unao ... | 5th April to 25th May ... | 4 | 4 | ... |
| „ H. W. Gibson ... ... | | The rest of the year ... | 25 | 32 | 1 |
| Major F Barrow ... ... | Bara Banki. | 1st January to 7th May, and 8th August to 12th November. | 8 | 7 | 2 |
| Mr. W. H. Cobb ... ... | | 8th May to 7th August ... | 22 | 2 | ... |
| Lieut-Colonel E. E. Grigg ... | | 13th November to 31st December, | 4 | 2 | 2 |
| Mr H. H. Butts ... ... | Sitapur ... | Whole year ... ... | 41 | 29 | 4 |
| „ J. E Gill ... ... | Hardoi ... | 3 months .. ... | 30 | 7 | 20 |
| Colonel N. M T. Horsford ... | | 9 „ ... ... | 6 | 9 | 3 |
| Mr. J. Sanders ... ... | Kheri ... | 20th July to 25th October . | 17 | 4 | 13 |
| Lieut.-Colonel T. R Cowie ... | | The rest of the year ... | 31 | 19 | 17 |
| Mr. A Robinson .. ... | Fyzabad ... | Whole year ... ... | 24 | 15 | 23 |
| Mirza Muhammad Abbas ... | Bahraich ... | 25th September to 24th October, | 8 | 2 | 2 |
| Lieut -Colonel W. P. Harrison ... | | The rest of the year ... | 138 | 20 | 49 |
| Mr. H V. Lovett ... ... | Gonda .. | 2nd September to 31st October, | 56 | 2 | 3 |
| Lieut.-Colonel C. S. Noble ... | | The rest of the year ... | 186 | 26 | 4 |
| Mr H. C. Irwin .. ... | Rae Bareli .. | Whole year ... | 56 | 26 | 14 |
| „ J. L Denniston .. | Sultánpur ... | 1st January to 16th November, | 12 | 15 | 1 |
| „ P J. White ... ... | | The rest of the year ... | 1 | 1 | ... |
| „ C Chapman ... ... | Partábgarh. | 1st July to 5th October ... | 17 | 2 | 5 |
| „ D. Calnan ... ... | | 6th to 8th October .. . | ... | ... | ... |
| „ J. Moston .. ... | | 9th October to 6th November | 9 | 1 | 8 |
| Lieut-Colonel T. J. Quin .. | | 7th November to 31st December, | 1 | 2 | . |
| | | Total for 1888 ... | 748 | 249 | 180 |
| | | „ 1887 ... | 617 | 195 | 228 |
| | | Difference ... | +131 | +54 | −40 |

61. It will be seen from the foregoing statement that Deputy Commissioners under their enhanced powers decided 54 section 34 cases in 1888 more than in 1887, thereby greatly assisting the Sessions Courts. Mr. Gibson, Unao, as usual leads with 36 cases, then comes Mr. Butts, Sitapur, with 29 cases, while Lieutenant-Colonel Noble, Gonda, and Mr. Irwin, Rae Bareli, follow with 26 cases each. Only five such cases were tried by the Deputy Commissioner of Partábgarh; and the Deputy Commissioners of Hardoi, Sultánpur, Fyzabad and Bara Banki disposed of fewer than 18 cases each.

62. More criminal work was done by Deputy Commissioners in 1888 than in 1887. Lieutenant-Colonels Noble and Harrison and Messrs. Butts and Irwin disposed of more cases under their ordinary powers than other Deputy Commissioners did. In two months Mr. Lovett disposed of no less than 56 cases, while Mr. Gill tried 39 cases in three months.

Pending cases.

63. There were only 492 cases pending at the close of 1888 as against 533 pending at the commencement of the year, and of these 105 were pending in Hardoi, whilst in Sultánpur there were only 14 cases pending.

Duration of trial.

64. The average duration of cases tried during 1888 was 6·02 days, being almost the same as in the preceding year when it was 5·93 days. The highest district averages were 12·09 days in Hardoi (higher than in 1887) and 6·79 days in Partábgarh (lower than in 1887). In five districts the average duration was lower in 1888 than in 1887. The lowest averages in 1888 were 2·85 days in Lucknow city and 3·91 days in Lucknow district.

In six districts the average duration of trial in the Courts of Honorary Magistrates was much higher than the provincial average, ranging from 11·18 days in Sultánpur, where an Honorary Magistrate was absent from his headquarters for some months, to 7·10 days in Bahraich. On the other hand, the average duration was extremely low in the Courts of Honorary Magistrates in the following districts, *viz.*, Unao 1·20 days, Gonda 2·28 days, Lucknow city 2·58 days and Lucknow district 2·91 days.

Convictions obtained.

65. The district percentages of convictions and committals to the total number of persons disposed of during 1887 and 1888 are given below :—

| | 1887. | 1888. | *Difference.* |
|---|---|---|---|
| Lucknow city ... ... ... | 61·35 | 64 93 | +3·58 |
| Fyzabad ... ... ... ... | 52·18 | 55·02 | +2·84 |
| Gonda ... ... ... ... | 50·27 | 49·02 | −0·35 |
| Hardoi ... ... ... ... | 44 55 | 49 40 | +4·85 |
| Lucknow ... ... ... ... | 57·97 | 48 79 | −9 20 |
| Unao ... ... ... ... | 51 95 | 48 54 | −3·41 |
| Bahraich . ... ... ... | 49 55 | 48 20 | −1 35 |
| Bara Banki ... ... ... . | 43 72 | 43·60 | −0 12 |
| Partábgarh ... ... ... ... | 43 58 | 43·47 | −0·11 |
| Sitapur ... ... ... ... | 50·28 | 42·97 | −7 31 |
| Rae Bareli ... ... ... ... | 41 06 | 42 34 | −1 28 |
| Kheri ... ... ... ... | 43 0 | 38 0 | −5·0 |
| Sultánpur ... ... ... . | 46·45 | 37·06 | −9·39 |

From the foregoing figures it will be seen that six districts are below the provincial percentage. Hardoi, Lucknow city and Fyzabad show much better results in 1888 than in 1887, but there is a considerable falling off in the Sultánpur, Lucknow, Sitapur and Kheri districts as compared with the percentages for 1887.

65. The following statement shows the percentage of convictions and committals to the total number of persons under trial obtained by the several classes of courts during 1887 and 1888:—

| Classes of courts. | | 1887. | 1888. | Difference. |
|---|---|---|---|---|
| Unpaid Magistrates sitting singly ... ... | | 33·61 | 31·98 | −1·63 |
| Benches of Magistrates ... ... ... | | 58 95 | 65 05 | +6·10 |
| Local and Subordinate paid Magistrates ... ... | | 37·83 | 34 74 | −3 09 |
| Full power Magistrates of general jurisdiction, | Native, | 49·08 | 46·89 | −2·19 |
| | Europeans, | 55 75 | 53 62 | −2·13 |
| Chief Magistrates of districts ... ... ... | | 77·05 | 74·75 | −2·20 |
| Deputy Commissioners under section 34, Criminal Procedure Code. | | 68 85 | 61·49 | −7·36 |

Summary trials

67. During 1888 the number of summary trials rose to 2,785 from 2,657 in 1887. The Lucknow City Bench tried 1,030 cases summarily and passed appealable sentences in 776 cases, of which only one was appealed,

and even in that the sentence was confirmed. Out of the 859 appealable sentences passed in the province only eight were appealed, and they were confirmed.

The Deputy Commissioner of Bara Banki (Lieutenant-Colonel Grigg) writes: "I cannot help remarking that officers are apt to avail themselves of their summary "powers to save the trouble of a regular enquiry or trial" and quotes certain cases. The Commissioner of the Division (Colonel Erskine) very pertinently remarks: "It is im-"possible to come to any conclusion on this bare recital; if the Deputy Commissioner "considered the punishments insufficient, he should have either drawn the Magistrate's "attention to the cases or submitted them to the Judicial Commissioner."

References for enhanced punishment.

68. Under section 379, Criminal Procedure Code, 464 sentences were referred to Deputy Commissioners in 1888, of which sentences 380 were confirmed, 35 were modified and 49 were reversed.

In 1887 only 257 sentences were so referred.

Reference of certain cases tried under section 34, Act X. of 1882.

69. Where the sentences passed by Deputy Commissioners under their enhanced powers exceeded four years, they were referred to Sessions Judges, who confirmed the sentences in 42 cases and modified them in three cases.

IMPERIAL RETURNS Nos. V. AND VA. Punishments.

70. During 1888 the number of persons punished aggregated 31,549, being 464 more than in 1887:—

| | Number of persons punished. | | Percentage on total number of punishments | |
|---|---|---|---|---|
| | 1887. | 1888. | 1887. | 1888. |
| Rigorous imprisonment ... ... | 8,740 | 8,830 | 28·1 | 28. |
| Simple " ... ... | 352 | 437 | 1·1 | 1·3 |
| Forfeiture of property ... ... | ... | 1 | | ... |
| Fine ... ... ... ... | 18,607 | 18,307 | 60·0 | 58·0 |
| Whipping ... ... ... | 1,986 | 2,009 | 6·3 | 6·3 |
| Persons ordered to give security ... | 1,340 | 1,056 | 4·2 | 6·1 |

Imprisonment

71. Although 9,276 persons were sentenced to imprisonment in 1888 as against 9,092 persons so sentenced in 1887, the percentage was the same in both years.

Terms of imprisonment.

72. The percentages of sentences of terms of imprisonment to the total number of sentences are much the same for 1887 and 1888:—

| | 1887. | 1888. |
|---|---|---|
| For 15 days and under ... ... ... ... ... | 17·1 | 18·2 |
| " 6 months ... ... ... ... ... | 58·5 | 59·4 |
| " 2 years ... ... ... ... ... | 22·7 | 21·0 |
| Over 2 years ... ... ... ... ... | 1·6 | 1·1 |

Whipping.

73. The number of persons sentenced to be whipped in 1888 was 2,009 as against 1,986 persons in 1887. The percentages of sentences for both years are as follows:—

| | 1887. | 1888. |
|---|---|---|
| 10 stripes and under ... ... ... ... | 38·0 | 38·1 |
| 20 " " ... ... ... ... ... | 45·2 | 47·9 |
| 30 " " ... ... ... ... ... | 16·7 | 13·8 |

Only 17 boys were whipped during 1888 for offences which, if committed by adults, would have entailed other punishment. In 1887 the number of boys whipped for such offences was 30.

The percentage of whippings calculated on all cases in which the offenders might have been punished with whipping was 23·34 in 1888 as against 23·54 in 1887.

Persons fined.

74. Fewer fines, *viz.*, 18,307, were inflicted during the year under report than in the previous year, when 18,667 persons were fined. The falling off was entirely under "Rs. 10 and under," which heading shows a decrease of 562 fines as compared with the figures for 1887. The following

headings show an increase :—"Rs. 50 and under" of 71, "Rs. 100 and under" of 12, "Rs. 500 and under" of 11, and "Rs. 1,000 and under" of 8 as compared with the 1887 figures. The Lucknow City Bench imposed 2,259 fines in 1888, being fewer by 117 than in 1887.

Fines imposed and realized.

75. There was an increase of Rs. 5,101 during 1888 as compared with the figures for 1887 in the amount of fines imposed, which aggregated Rs. 1,00,055 in 1888 as against Rs. 94,954 in 1887. The percentage of realizations, which was 84·0 in 1887, fell to 81·5 in 1888. The district percentages of realizations were—

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Fyzabad ... | ... | ... | 94 77 | Kheri ... | ... | ... | 84·50 |
| Partábgarh | ... | ... | 93·25 | Bahraich ... | ... | ... | 84·19 |
| Rae Bareli .. | ... | ... | 92 43 | Sitapur ... | ... | .. | 81 91 |
| Lucknow .. | ... | ... | 91·65 | Bara Banki | ... | ... | 74 4 |
| Hardoi ... | ... | ... | 89 91 | Gonda ... | . | . | 68·77 |
| Unao ... | ... | ... | 86·80 | Lucknow city | ... | ... | 68 45 |
| Sultánpur ... | ... | ... | 85 27 | | | | |

The Lucknow City Bench of Honorary Magistrates realized Rs. 1,581 out of Rs. 1,665, the amount of fines imposed.

Outstanding fines.

76. Inclusive of outstandings of the previous year, the amount of outstanding fines at the close of 1888 was Rs. 11,301, being double the amount outstanding at the close of 1887. Out of the sum of Rs. 11,301 the Lucknow city return shows Rs. 4,085 and Gonda district Rs. 2,455 as outstanding. The Court of Lucknow City Magistrate had Rs. 4,014 outstanding, and out of Rs. 2,455 in Gonda Rs. 1,960 are shown at outstandings of the Deputy Commissioner's court. I have asked for explanation from the courts concerned, as, *primâ facie*, such large balances indicate a want of judgment in the infliction of fines.

Compensation paid.

77. During 1888 only Rs. 16,697 were paid as compensation to injured persons, being 24·5 per cent. of Rs. 81,607, the amount of fines realized. In the previous year Rs. 32,137 were so paid, being 40·2 per cent. of the fines realized.

Habitual offenders.

78. The number of habitual offenders brought to trial in 1888 was 967 as against 935 in the previous year. The percentages of offenders convicted once before, and of those who had been convicted oftener were similar in both years, *viz.*, 64·3 and 35·6 in 1888 as against 64·4 and 35·5 in 1887.

IMPERIAL RETURN No. VI.
Appeals to Deputy Commissioners.

79. There was an increase in the number of persons who appealed to Deputy Commissioners during 1888, *viz.*, 1,221 as compared with 1,180 persons who appealed in 1887. The sentences on 750 persons, or 61·4 per cent., were confirmed or the appeals were rejected. In the cases of 299 persons, or 24·4 per cent., the sentences were reversed and 109 sentences, or 8·9 per cent., were modified. Two persons died and new trial of 28 persons was ordered. At the close of the year 33 appeals remained pending. The average duration of each appeal was 8·71 days as against 9·50 days in 1887.

Revision and supervision.

80. Applications to Deputy Commissioners under section 435, Criminal Procedure Code, were made by 520 persons during 1888 as against 482 in 1887. The applications referred to 927 persons and were rejected or sentences confirmed as regards 740 persons or 76 per cent. The sentences on 15 persons were reversed and new trial or further enquiries were ordered in the cases of 159 persons. The cases of 12 persons were referred to this court and the cases of only 16 persons remained pending on 31st December, 1888.

81. The number of cases called for *suo motu* by Deputy Commissioners during 1888 fell to 931 cases connected with 1,687 persons from 1,040 cases 1,828 persons in 1887. The cases of 86 persons were referred to the Judicial Commissioner. Lieutenant-Colonels Noble and Cowie of Gonda and Kheri called for 204 cases and 180 cases

respectively. The Deputy Commissioner of Sultánpur (Mr. Denniston) called for only seven cases in 1888, although in charge for 10 months, as against 198 in 1887, and the Deputy Commissioners who held charge of Bara Banki called up 92 cases as against 167 in 1887.

An officer who exercises so little supervision over the case work of his subordinates as in the district first mentioned is seriously neglecting a very important part of his duties.

Witnesses examined.

82. There was a considerable increase in the number of witnesses examined by Magistrates during 1888 as compared with the number examined in the previous year, *viz.*, 94,535 persons as against 99,536 in 1888. In each of the years the percentages of witnesses discharged on the day they attended or on the second day of their attendance were, respectively, over 93·0 and over 5·0.

Witnesses dicted.

83. Fewer witnesses were dieted in 1888 than in 1887, and the expenditure was less, as shown by the following figures :—

| | Number of witnesses dieted. | Total cost. | Average cost. |
|---|---|---|---|
| | | Rs. | a. p. |
| 1887 ... | 46,564 | 23,033 | 7 10 |
| 1888 ... | 46,191 | 21,485 | 7 5 |

The average cost per witness in 1888 was five pies less than in 1887. Averages were higher than the provincial average in the following districts, *viz.*, Fyzabad 12 annas 11 pies, Sitapur 8 annas 9 pies, Bahraich 8 annas 5 pies, Bara Banki 8 annas, Sultánpur and Partábgarh each 7 annas 8 pies.

Weeding of records.

84. The weeding of criminal files in Sultánpur is, as noted in my report for 1887, very backward, it having been completed down to the year 1880 only. The Commissioner of the division writes : "I inspected "the Deputy Commissioner's office in January and intend to submit certain proposals "to Government in this matter." In Bahraich and Gonda the weeding has been completed down to 1884, and in Partábgarh down to 1885. The records have been weeded down to 1886 in the remaining districts, but the Deputy Commissioner of Bara Banki writes : "I have not much faith in the above statement furnished by the munsarim." * * * * * "But there is no doubt an immense lot of lumber which was choking the "record-rack has been got rid of."

This is not a satisfactory statement and leads to the inference that a great deal of the weeding has been only partially done. I have asked the Commissioner to enquire into the matter.

IMPERIAL RETURN No. IV. Sessions Courts.

85. In 1888 the five Sessions Judges disposed of 326 cases, involving 630 persons, as against 349 cases 702 persons in 1887.

The following statement shows the work done by Sessions Judges in each year :—

| Sessions Courts. | Disposed of. | | | | Pending. | | | | Average duration of each case from date of commitment. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1887. | | 1888. | | 1887. | | 1888. | | | |
| | Cases. | Persons. | Cases. | Persons. | Cases. | Persons. | Cases. | Persons. | 1887. | 1888. |
| | | | | | | | | | Days. | Days. |
| Lucknow ... ... | 105 | 219 | 81 | 144 | 11 | 19 | 20 | 60 | 44 | 54 |
| Do. Additional ... | 17 | 29 | 22 | 40 | 1 | 2 | 3 | 9 | 37 | 32 |
| Sitapur ... ... | 85 | 191 | 100 | 200 | 12 | 19 | 14 | 21 | 53 | 35 |
| Fyzabad ... ... | 96 | 189 | 79 | 179 | 6 | 16 | 9 | 13 | 63 | 40 |
| Rae Bareli ... | 46 | 74 | 35 | 58 | 7 | 14 | 3 | 6 | 32 | 35 |

86. There were 49 cases pending at the close of 1888 as against 37 pending at the close of 1887. The average duration of trial was very much lower in the Courts of the Sessions Judges of Sitapur (Mr. G. Adams) and Fyzabad (Mr. A. H. Harington) during 1888 than it was in 1887.

On the other hand, the duration of trial in the Court of the Sessions Judge, Lucknow (Colonel G. E. Erskine), rose from 44 days in 1887 to 54 days in 1888, owing to the prolonged illness of a female prisoner.

IMPERIAL RETURN No. V. Punishment.

87. The following statement shows the sentences passed by Sessions Judges during the years 1887 and 1888 :—

| | 1887. | 1888. |
|---|---|---|
| Death ... ... ... ... ... | 28 | 35 |
| Transportation ... ... ... ... | 95 | 55 |
| Penal servitude ... ... ... ... | ... | 42 |
| Rigorous imprisonment ... ... ... | 266 | 243 |
| Simple do. ... ... ... ... | 2 | 7 |
| Fine ... ... ... ... ... | 19 | 31 |
| Whipping ... ... ... ... | 12 | 3 |

Out of Rs. 2,182 imposed as fines Rs. 661 were realized and Rs. 541 were paid to injured parties as compensation.

IMPERIAL RETURN No. XIII. Trials by jury and with assessors.

88. The Lucknow Sessions Judge tried 29 cases by jury in 1888 as against 26 cases in 1887, and approved the verdict in each of the 29 cases so tried.

89. Out of 266 cases tried by the five Sessions Judges with the aid of assessors during 1888, the Judges agreed with the findings of the assessors in 213 cases or 80 per cent., or in 4 per cent. less cases than in 1887. The Sessions Judge of Lucknow writes: "I can only repeat the opinion which I have before expressed, that assessors are generally "useful and sometimes really valuable where they bring their knowledge of the habits "and customs of the people into play."

Witnesses examined.

90. Fewer witnesses were examined by Sessions Judges in 1888 by 252 than in 1887, when 4,150 witnesses were examined as against 3,898 in 1888. Rs. 4,702 were paid as diet money and travelling allowance to 3,542 witnesses, the average per witness being Re. 1-5-2, or three annas and one pie more than in 1887.

IMPERIAL RETURN No. VI. Appeals.

91. The appeals of 2,933 persons came before Sessions Judges in 1888, being 213 more than during the previous year. The sentences of the lower courts were confirmed or appeals were rejected in the cases of 2,473 persons, or over 84 per cent. as against 81 per cent. in 1887. The sentences passed upon 125 persons were modified and reversed as regards 241 persons. Proceedings against 37 persons were quashed and the cases of four persons were referred to this court.

The appeals of 46 persons remained pending at the close of 1888, and the average duration of each appeal fell to 10·85 days from 11·17 days in 1887. The highest average duration of each appeal, 13·34 days, was in the Court of the Commissioner, Sitapur Division, and the lowest average, 6·82 days, was in that of the Commissioner, Rae Bareli Division.

Revision.

92. During 1888 the applications made to Sessions Judges for revision of sentences passed on 280 persons numbered 190 as against 197 such applications made in 1887. Sentences were confirmed or applications were rejected concerning 225 persons, or over 80 per cent. New trial or further enquiry was ordered in the cases of six persons and the cases of 19 persons were referred to the Judicial Commissioner. Applications regarding 30 persons remained pending at the close of 1888.

Commissioners called up *suo motu* 33 cases, involving 41 persons, and referred the cases of five persons to this court.

Court of Judicial Commissioner, Oudh.

93. The number of persons dealt with by this court during 1888 is given below :—

| | No. |
|---|---|
| Report for confirmation of capital sentence ... ... ... | 35 |
| Appeals ... ... ... ... ... ... ... | 367 |
| *Revision side.* | |
| Applications by parties ... ... ... ... ... | 225 |
| References by Commissioners and Deputy Commissioners ... ... ... | 143 |
| Cases called for *suo motu* by the Judicial Commissioner ... ... ... | 10 |
| | 780 |

The death sentences on 27 persons were confirmed by the Judicial Commissioner; the sentences passed on three persons were commuted to transportation for life and on four persons to transportation for a term of years. One person was acquitted.

94. The office of Judicial Commissioner was held by Mr. Young during the whole of the year 1888.

I have the honor to be,

SIR,

Your most obedient servant,

JOHN DYSON,

*Offg. Judicial Commissioner.*

## IMPERIAL RETURN No. I.—(Civil, Criminal and Rent).

*Showing the number of Judicial Divisions and the number of Officers exercising Original or Appellate Jurisdiction in the Province of Oudh on the last day of the year* 1888, *with the cost of Tribunals.*

| Name of Province. | Area. | Population. | Number of divisions for Courts under Chief Courts, but superior to Chief Courts of districts. | Number of districts. | Number of sub-districts. | Total number of Officers exercising original or appellate jurisdiction. | | | | | Total number of cases decided. | | | | Total receipts of the Courts. | Total charges of the Courts. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Judges of Chief Court of Province. | Judges of other Courts superior to Chief District Courts. | Judges of Chief Courts of districts. | Judges of District Courts other than Chief Courts. | Judges of other Subordinate Courts. | Original. | | Appeals. | | | | |
| | | | | | | | | | | | Regular | Miscellaneous. | Regular. | Miscellaneous. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| Territory subject to Judicial Commissioner of Oudh. — Civil ... ... | 23,992 square miles. | 11,407,025. | 4 divisions. | 12 districts. | ... | 1 | ... | 4 | 12 | 28 | 64,779 | 22,219 | 4,045 | 668 | Rs. 10,31,429 | Rs. 14,47,367 | |
| Criminal ... ... | | | | | | | 4 | 12 | 57 | 158 | 32,662 | 2,084 | 3,772 | 875 | | | |
| Revenue (Rent) ... ... | | | | | | | | | | | 28,361 | 9,974 | 2,633 | 313 | | | |
| Charges incurred by the Public Works Department on account of buildings. | | | | | | | ... | ... | ... | ... | ... | ... | ... | .. | ... | 16,313 | |
| Total ... | ... | ... | .. | .. | ... | 1 | 4 | 16 | 69 | 186 | 1,25,802 | 34,277 | 10,450 | 1,856 | 10,31,429 | 14,63,680 | |

| Grades of Judicial Officers. | | European. | Native. |
|---|---|---|---|
| Officers exercising both original and appellate jurisdiction. | Judicial Commissioner ... | 1 | . |
| | District Judges ... | 3 | 1 |
| | Additional Judges ... | ... | .. |
| | Sub-Judges ... | 1 | 11 |
| Officers exercising original jurisdiction only. | Small Cause Court Judges. | 2 | 1 |
| | Munsifs ... ... ... | | 25 |

For Home, Revenue and Agricultural Department.

| | *Europeans.* | *Native* |
|---|---|---|
| Judicial Commissioner ... ... ... | 1 | ... |
| Commissioners ... ... ... ... | 4 | ... |
| Deputy Commissioners ... ... .. | 12 | ... |
| District Judges .. ... ... ... | 3 | 1 |
| Subordinate Judges . ... ... ... | 1 | 11 |
| Assistant Commissioners ... ... ... | 7 | 4 |

| | *Europeans.* | *Native.* |
|---|---|---|
| Extra Assistant Commissioners ... ... | 5 | 39 |
| City Magistrates ... ... ... | 1 | ... |
| Tahsildárs ... ... ... ... | ... | 43 |
| Munsifs ... ... ... ... | ... | 25 |
| Judges, Small Cause Courts ... ... | 2 | 1 |
| Honorary Assistant Commissioners ... ... | 4 | 112 |
| Total ... | 40 | 236 |

# IMPERIAL RETURN. No. II.—(CRIMINAL).

*Showing offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh in the year* 1888.

| Description of offence. | Number of offences reported. | Number of cases returned as true. | Number of cases brought to trial during the year. | Number of persons. Under trial during the year, including pending from previous year | Acquitted or discharged. | Convicted. | Died, escaped or transferred to another province. | Remaining under trial. | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Offences against the State, chapter VI. of the Indian Penal Code | ... | ... | ... | ... | ... | ... | ... | ... | |
| Ditto relating to the Army and Navy, chapter VII. | ... | ... | ... | ... | ... | ... | ... | ... | |
| Ditto against the public tranquillity, chapter VIII. | 575 | 385 | 399 | 2,114 | 860 | 1,136 | 3 | 115 | |
| Ditto by or relating to public servants, chapter IX. | 56 | 40 | 40 | 60 | 26 | 32 | ... | 2 | |
| Contempts of the lawful authority of public servants, chapter X. | 385 | 302 | 322 | 706 | 316 | 368 | 2 | 20 | |
| False evidence and offences against public justice, chapter XI | 556 | 394 | 418 | 619 | 310 | 280 | 1 | 28 | |
| Offences relating to coin and Government stamps, chapter XII. | 79 | 68 | 68 | 81 | 41 | 39 | | 1 | |
| Ditto relating to weights and measures, chapter XIII. | 34 | 28 | 28 | 30 | 16 | 14 | | ... | |
| Ditto affecting the public health, &c., chapter XIV. | 235 | 165 | 168 | 258 | 101 | 154 | 2 | 1 | |
| Ditto relating to religion, chapter XV. | | | | | | | | | |
| Offences affecting the human body, chapter XVI. — Offences affecting life | 67 | 18 | 19 | 52 | 38 | 14 | ... | ... | |
| Causing of miscarriage, injury to unborn children, exposure of infants and the concealment of births. | 573 | 498 | 531 | 789 | 302 | 411 | 8 | 65 | |
| Hurt | 67 | 51 | 54 | 71 | 23 | 48 | ... | ... | |
| Wrongful restraint and wrongful confinement | 11,203 | 6,712 | 6,838 | 14,917 | 11,789 | 2,815 | 7 | 356 | |
| Criminal force and assault | 376 | 119 | 120 | 248 | 209 | 37 | ... | 2 | |
| Kidnapping, forcible abduction, slavery and forced labor | 3,709 | 2,144 | 2,176 | 4,557 | 3,716 | 736 | 1 | 104 | |
| Rape | 168 | 63 | 64 | 106 | 49 | 48 | ... | 9 | |
| Unnatural offence | 107 | 51 | 53 | 61 | 40 | 18 | ... | 3 | |
| Offences against property, chapter XVII. — Theft | 37 | 31 | 31 | 36 | 18 | 18 | ... | ... | |
| Extortion | 6,543 | 4,885 | 4,932 | 6,876 | 1,964 | 4,848 | 5 | 59 | |
| Robbery and dakaiti | 263 | 64 | 70 | 102 | 87 | 14 | ... | 1 | |
| Criminal misappropriation of property | 228 | 108 | 112 | 257 | 143 | 95 | ... | 19 | |
| Ditto breach of trust | 151 | 117 | 121 | 167 | 74 | 89 | ... | 4 | |
| Receiving stolen property | 345 | 194 | 202 | 253 | 108 | 130 | ... | 15 | |
| Cheating | 924 | 890 | 908 | 1,352 | 405 | 923 | ... | 24 | |
| Fraudulent deeds and disposition of property | 346 | 136 | 139 | 213 | 148 | 44 | 2 | 19 | |
| Mischief | 5 | 4 | 4 | 7 | 3 | 4 | ... | ... | |
| Criminal trespass | 1,887 | 867 | 919 | 1,703 | 1,225 | 414 | ... | 64 | |
| Offences relating to documents and to trade or property marks, chapter XVIII. | 4,383 | 2,812 | 2,874 | 4,649 | 2,251 | 2,263 | 6 | 129 | |
| Criminal breach of contracts of service, chapter XIX. | 55 | 20 | 23 | 32 | 12 | 17 | ... | 3 | |
| Offences relating to marriage, chapter XX. | 5 | 1 | 2 | 2 | 1 | 1 | ... | ... | |
| Defamation, chapter XXI | 1,668 | 903 | 919 | 1,137 | 895 | 206 | 1 | 35 | |
| Criminal intimidation, insult and annoyance, chapter XXII | 567 | 181 | 181 | 252 | 216 | 32 | ... | 4 | |
| Offences under the Criminal Procedure Code and offences against special and local laws | 294 | 126 | 129 | 220 | 176 | 41 | 3 | ... | |
| | 11,617 | 9,733 | 9,820 | 20,103 | 6,136 | 13,722 | 8 | 237 | |
| Total | 47,508 | 32,110 | 32,683 | 62,027 | 31,649 | 29,010 | 49 | 1,319 | |

IMPERIAL RETURN

*Showing the general result of the trial of European British subjects*

| Description of offence. | Number of persons accused and brought before a Magistrate. | | | | | | | | Persons whose cases were | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Within the year. | | | | | | | By District Magistrate and other 1st class Magistrates. | | | | | | | By Courts of Sessions. | | | | By High Court. | | | |
| | | | | | | | | | | | | Committed. | | | | | | | | | | | |
| | Remaining at the close of the previous year. | On complaint, section 191 (a), Criminal Procedure Code. | On police report, section 191 (b), Criminal Procedure Code. | By Magistrate *suo motu*, section 191 (c) of the Code. | On transfer from other provinces. | Total. | Died, escaped or transferred to other provinces. | Number actually brought to trial. | Received by transfer under section 451 (b) of the Code. | Convicted. | Acquitted or discharged. | To Court of Sessions. | To High Court. | Transferred by order under section 451 (b) of the Code | Total, omitting entries in columns 10 and 15 | Received by transfer under section 451 (b) of the Code. | Convicted. | Acquitted or discharged | Transferred to High Court under section 499 of the Code. | Total exclusive of column 17. | Convicted. | Acquitted or discharged. | Total. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| Voluntarily causing hurt, section 323, I.P.C. | ... | 1 | ... | ... | ... | 1 | ... | 1 | ... | 1 | .. | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Assault or use of criminal force to a woman with intent to outrage her modesty, section 354, I.P.C. | ... | ... | 1 | ... | ... | 1 | ... | 1 | ... | ... | .. | ... | 1 | ... | 1 | ... | ... | ... | ... | ... | 1 | .. | 1 |
| Theft, section 379, I.P.C. ... | ... | ... | 2 | ... | ... | 2 | ... | 2 | ... | 1 | 1 | ... | ... | ... | 2 | ... | .. | .. | ... | . | ... | ... | .. |
| Dishonestly receiving stolen property, section 411, I.P.C. | ... | ... | 2 | ... | ... | 2 | ... | 2 | ... | ... | 1 | 1 | ... | ... | 2 | ... | 1 | .. | ... | 1 | ... | ... | ... |
| House-trespass, section 448, I. P. C. ... | ... | ... | 1 | ... | ... | 1 | ... | 1 | ... | 1 | ... | ... | ... | ... | 1 | ... | .. | ... | ... | ... | ... | ... | ... |
| Lurking house-trespass or house-breaking by night, section 450, I.P.C. | ... | ... | 1 | ... | ... | 1 | ... | 1 | ... | ... | 1 | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... |
| Lurking house-trespass or house breaking by night in order to the commission of an offence punishable with imprisonment, section 457, I P.C. | ... | ... | 1 | ... | ... | 1 | ... | 1 | ... | 1 | ... | ... | ... | ... | 1 | ... | .. | ... | ... | ... | ... | ... | ... |
| Defamation, section 500, I.P.C. ... | ... | 1 | .. | ... | ... | 1 | . | 1 | ... | ... | 1 | ... | ... | ... | 1 | ... | .. | ... | ... | ... | ... | ... | ... |
| Maintenance, section 488, C.P.C. .. | ... | 1 | ... | ... | ... | 1 | ... | 1 | ... | .. | 1 | ... | ... | ... | 1 | .. | .. | ... | ... | ... | ... | ... | ... |
| Nuisance, section 34, Act V. of 1861 ... | ... | ... | 6 | . | ... | 6 | ... | 6 | ... | 4 | 2 | ... | ... | ... | 6 | ... | ... | ... | ... | ... | ... | ... | ... |
| Breach of Excise rule, section 39, Act XXII. of 1881. | ... | ... | 1 | ... | ... | 1 | ... | 1 | ... | 1 | ... | ... | ... | ... | 1 | ... | .. | ... | ... | .. | ... | .. | ... |
| Breach of Excise Act, section 42, Act XXII. of 1881. | ... | 1 | ... | ... | ... | 1 | ... | 1 | ... | . | 1 | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... |
| Breach of Stamp rule, section 61, Act I. of 1879. | .. | ... | ... | 6 | ... | 6 | ... | 6 | ... | 5 | 1 | ... | ... | ... | 6 | ... | ... | ... | ... | ... | ... | .. | ... |
| Breach of Cantonment Act, IV of 1880, section 14. | ... | ... | 1 | ... | ... | 1 | .. | 1 | ... | 1 | ... | ... | ... | ... | 1 | ... | ... | | ... | ... | ... | ... | ... |
| Tota .. | ... | 4 | 16 | 6 | ... | 26 | ... | 26 | ... | 14 | 10 | 1 | 1 | 1 | 26 | ... | 1 | ... | ... | 1 | 1 | ... | 1 |

No. IIA.—(CRIMINAL).

*in the Courts of the Province of Oudh during the year* 1888.

| disposed of — Total for all Courts. — Convicted. | Acquitted or discharged. | Total. | Number of persons under trial. | Number of cases — Brought to trial. | Disposed of. | Pending. | Number of persons who applied to the High Court from order under section 456 of the Code. | Of those entered in column 5, number who applied under section 21, Act III. of 1864, for transfer or commital of their cases. | Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases. | SUBSIDIARY TABLE. 35 — Of the total number of persons shown in— Column 16. — Number who claimed to be tried by a mixed jury, section 451A (1) of the Code. | Number who did not so claim. | Number of those in column 35 (1) whose cases were transferred under section 451 of the Code. | Column 21. — Number who claimed a mixed number of assessors, section 451 (2) of the Code. | Number who did not so claim. | Columns 21 and 22. — Number who claimed to be tried by a mixed jury, section 451 (1) of the Code. | Number who did not so claim. | 36 — Of cases shown in Column 30. — Disposed of by Magistrates. — Being European British subjects. | Other than European British subjects. | Disposed of by Sessions Judges. — Being European British subjects. | Other than European British subjects. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | | | | | | | | | | | | |
| 1 | | 1 | ... | 1 | 1 | .. | ... | ... | ... | | | | | | | | | | | | |
| 1 | | 1 | .. | 1 | 1 | . | ... | ... | ... | | | | | | | | | | | | |
| 1 | 1 | 2 | ... | 1 | 1 | ... | . | ... | ... | | | | | | | | | | | | |
| 1 | 1 | 2 | ... | 2 | 2 | .. | ... | ... | ... | | | | | | | | | | | | |
| 1 | 1 | 2 | ... | 2 | 2 | .. | ... | ... | .. | | | | | | | | | | | | |
| .. | 1 | 1 | ... | 1 | 1 | ... | ... | ... | ... | | | | | | | | | | | | |
| 1 | .. | 1 | ... | 1 | 1 | ... | ... | ... | .. | | | | | | | | | | | | |
| | 1 | 1 | ... | 1 | 1 | | ... | ... | ... | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | |
| .. | 1 | 1 | ... | 1 | 1 | ... | ... | ... | .. | ... | ... | ... | .. | ... | ... | ... | 25 | ... | .. | .. | |
| 4 | 2 | 6 | ... | 6 | 6 | .. | ... | . | ... | | | | | | | | | | | | |
| 1 | .. | 1 | ... | 1 | 1 | ... | ... | .. | ... | | | | | | | | | | | | |
| .. | 1 | 1 | ... | 1 | 1 | ... | ... | ... | ... | | | | | | | | | | | | |
| 5 | 1 | 6 | ... | 6 | 6 | .. | ... | ... | ... | | | | | | | | | | | | |
| 1 | .. | 1 | ... | 1 | 1 | ... | ... | ... | ... | | | | | | | | | | | | |
| 16 | 10 | 26 | ... | 25 | 25 | ... | ... | ... | ... | | | | | | | | | | | | |

## IMPERIAL RETURN No. III.—(CRIMINAL).

*Showing miscellaneous proceedings under the Code of Criminal Procedure in the Province of Oudh during the year* 1888.

| Nature of proceedings. | Total number of cases before the Courts during the year. | Number of persons concerned. | Number of persons discharged. | Number of persons convicted. | Remarks. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. Proceedings against witnesses under chapter VI. and section 485 of chapter XXXV. ... ... | 1 | 1 | 1 | ... | |
| 2. Proceedings under chapter VIII. to prevent breach of the peace ... ... ... ... | 711 | 2,756 | 1,160 | 1,566 | |
| 3. Proceedings under chapter VIII., security for good behaviour ... ... ... ... | 347 | 516 | 152 | 364 | |
| 4. Proceedings against local nuisances, chapter X. ... ... ... ... ... | 128 | 212 | 37 | 162 | |
| 5. Possession, chapter XII. ... ... .. ... ... ... ... | 45 | 105 | 43 | 59 | |
| 6. Frivolous or vexatious complaints summarily dealt with under chapter XX., section 250 ... ... | 168 | 180 | ... | 180 | |
| 7. Non-attendance of jurors or assessors, chapter XXIII., section 332 ... .. ... ... | 2 | 2 | 1 | 1 | |
| 8. Maintenance, chapter XXXVI. ... ... ... ... ... ... ... | 718 | 718 | 519 | 182 | |
| 9. Forfeiture of bail or recognizance under chapter XLII. ... ... ... ... ... | 34 | 51 | 12 | 39 | |
| Total ... | 2,149 | 4,541 | 1,865 | 2,553 | |

## IMPERIAL RETURN No IV—(CRIMINAL)

*Showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh in the year* 1888.

| Classes of Courts. | Total number of persons under trial | Died, escaped or transferred to another province | Persons whose cases were disposed of | | | | Persons remaining under trial at the end of the year | Number of cases disposed of during the year | Average number of days during which each case lasted | Number of witnesses examined | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Discharged or acquitted | Convicted. | | Committed or referred | | | | | |
| | | | | On regular trial | On summary trial | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Unpaid Magistrates sitting singly ... | 6,709 | 3 | 4,397 | 2,065 | 62 | 19 | 163 | 3 297 | 5 23 | 8 486 | |
| Benches of Magistrates | 9,772 | 3 | 3,319 | 4,217 | 2,143 | | 90 | 4,041 | 3 36 | 6,171 | |
| Local and subordinate paid Magistrates ... . | 12,333 | 5 | 7,858 | 4,285 | | | 190 | 5,650 | 5 17 | 13,781 | |
| Full power Magistrates of general jurisdiction — Natives ... . | 24,367 | 24 | 12,300 | 10,154 | 795 | 479 | 615 | 13,296 | 7 68 | 52 082 | |
| Full power Magistrates of general jurisdiction — Europeans .. | 6,740 | 7 | 3,001 | 2,628 | 817 | 169 | 118 | 3,950 | 5 62 | 13,430 | |
| Chief Magistrates of Districts .. . .. .. | 1,628 | 4 | 397 | 1,017 | 182 | 18 | 10 | 754 | 5 22 | 2,100 | |
| Deputy Commissioners under section 34, Act X of 1882 | 374 | 1 | 143 | 188 | | 42 | .. | 249 | 11·01 | 1,632 | |
| Total Magistracy .. | 61,923 | 47 | 31,410 | 24,554 | 3,999 | 727 | 1,186 | 32,137 | 6 02 | 97 682 | |
| Commissioners (Sessions) .. ... | 739 | 2 | 242 | 316 | | 70 | 109 | 247 | 42 82 | 3,398 | |

# IMPERIAL RETURN No V—(CRIMINAL)

*Showing the punishments inflicted by the various criminal tribunals in the Province of Oudh in the year* 1888

| Classes of Courts | Persons sentenced to— Death | Transportation | Penal servitude | Imprisonment. Rigorous | Imprisonment. Simple | Forfeiture of property | Fine | Whipping | Persons ordered to find or give security or recognizance to keep the peace or to exercise for good behaviour | Persons imprisoned in default of security for good behaviour | Detail of punishment. Fine: Rs 10 and under | Rs 50 and under | Rs 100 and under | Rs 500 and under | Rs 1,000 and under | Above Rs 1,000 | Total amount of fines imposed during the year | Total amount of fines realized during the year | Amount paid by way of compensation | Imprisonment: 15 days and under | 6 months and under | 2 years and under | 7 years and under | Above 7 years | Whipping: 10 stripes | 20 stripes | 30 stripes | Number of boys whose sentences were commuted to detention in a reformatory school |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| | | | | | | | | | | | | | | | | | Rs a p | Rs a p | Rs a p | | | | | | | | | |
| Honorary Magistrates sitting singly | | | | 821 | 49 | | 1,619 | 66 | 22 | 4 | 1,470 | 147 | 2 | | | | 7 677 1 8 | 7,054 8 3 | 998 0 3 | 271 | 572 | 27 | | | 45 | 18 | 3 | |
| Bench Magistrates | | | | 187 | 20 | 1 | 6,154 | 6 | | | 6,113 | 41 | | | | | 4,697 6 0 | 4,497 14 3 | 292 10 0 | 83 | 124 | | | | 2 | 4 | | |
| Stipendiary Magistrates sitting singly | | | | 7 188 | 348 | | 10,035 | 1,019 | 1,801 | 301 | 8,529 | 1,406 | 61 | 6 | | | 80 503 1 2 | 66 176 14 1 | 14,598 7 0 | 1,276 | 4,479 | 1,780 | 1 | | 636 | 748 | 235 | 10 |
| District Courts Cases decided under section 34, C P C | | | | 176 | 2 | | 15 | 16 | | | 6 | 8 | | 1 | | | 445 0 0 | 432 0 0 | 420 0 0 | 2 | 17 | 51 | 106 | | 5 | 4 | 7 | |
| Chief Magistrates of Districts | | | | 465 | 18 | | 484 | 402 | 133 | 24 | 351 | 124 | 3 | 4 | 2 | | 6,733 2 0 | 3 446 8 6 | 387 10 3 | 63 | 325 | 95 | | | 174 | 189 | 34 | |
| Total | | | | 8,839 | 437 | 1 | 18,307 | 2,009 | 1,956 | 329 | 16,469 | 1,726 | 68 | 36 | 8 | | 1,00 055 10 5 | 81 606 13 1 | 16 696 11 6 | 1,695 | 5,517 | 1,953 | 109 | | 767 | 963 | 279 | 10 |
| Courts of Sessions (Commissioners) | 35 | 55 | 42 | 242 | 7 | | 31 | 3 | ... | | 7 | 11 | 6 | 7 | | | 2,182 0 0 | 660 12 6 | 540 14 6 | 6 | 17 | 60 | 120 | 37 | | 1 | 1 | |

# IMPERIAL RETURN No. VA.—(Criminal).

## Part I.

*Showing whippings inflicted under sections 2 and 3, Act VI., 1864, in lieu of other punishments.*

| Offences for which awarded. | Number of stripes awarded. | | | | | | | | | | | | Total. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 5 and under. | | 6 to 10. | | 11 to 15. | | 16 to 20. | | 21 to 25 | | 26 to 30. | | | |
| | 1st conviction. | 2nd or subsequent conviction. | 1st conviction. | 2nd or subsequent conviction. | 1st conviction. | 2nd or subsequent conviction. | 1st conviction. | 2nd or subsequent conviction. | 1st conviction. | 2nd or subsequent conviction. | 1st conviction. | 2nd or subsequent conviction. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| IN LIEU OF OTHER PUNISHMENTS. | | | | | | | | | | | | | | |
| (Sections 2 and 3, Act, VI., 1864.) | | | | | | | | | | | | | | |
| 1. Theft as defined in ... Sec. 376, I. P. C. ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | |
| „ 378 „ .. | 92 | 1 | 360 | 16 | 248 | 6 | 89 | 7 | 23 | 1 | 26 | 4 | 873 | |
| „ 380 „ .. | 15 | ... | 83 | 3 | 79 | 5 | 55 | 3 | 9 | 1 | 21 | 2 | 276 | |
| „ 381 „ .. | 3 | ... | 18 | 1 | 10 | ... | 11 | ... | ... | ... | ... | ... | 43 | |
| „ 382 „ ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | 1 | ... | 2 | |
| 2. Extortion as defined in ... „ 388 „ ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| „ 389 „ ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| 3. Punishment for robbery ... „ 392 „ ... | ... | ... | ... | .. | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| 4 Dishonest misappropriation of property as defined in ... ... „ 403 „ ... | ... | ... | | ... | | ... | ... | ... | ... | ... | ... | ... | ... | |
| 5. Criminal breach of trust as defined in ... ... ... „ 406 „ ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| 6. Dishonestly receiving stolen property as defined in ... ... „ 411 „ ... | 5 | ... | 51 | 1 | 38 | 2 | 37 | 4 | 12 | 2 | 9 | 1 | 162 | |
| „ 412 „ ... | ... | ... | ... | ... | 1 | ... | ... | ... | 1 | ... | 1 | ... | 3 | |
| 7. Lurking house-trespass as defined in ... ... „ 443 „ ... | 3 | ... | 9 | ... | 15 | 3 | 9 | ... | 5 | 1 | ... | ... | 45 | |
| 8. Lurking house-trespass by night as defined in ... ... „ 444 „ .. | 1 | ... | 10 | ... | 30 | 2 | 11 | ... | 6 | 1 | 12 | ... | 79 | |
| „ 454 „ .. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| 9. House-breaking as defined in ... „ 445 „ ... | 4 | ... | 11 | 1 | 19 | 2 | 37 | 1 | 5 | ... | 14 | ... | 94 | |
| 10. House-breaking by night as defined in ... ... ... „ 446 „ .. | 8 | ... | 29 | ... | 36 | ... | 16 | ... | 5 | 1 | 8 | ... | 98 | |
| Offences under Act XXVI., 1870, section 457... .. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Offences under Act XXVII., 1871, sections 19 and 456 ... | ... | ... | 1 | ... | 1 | 2 | ... | ... | ... | ... | ... | ... | 4 | |
| Offences under Act III., 1880, sections 14 and 325 ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Offences under Act VII. of 1878, section 25 ... .. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Total .. | 126 | 1 | 578 | 22 | 479 | 22 | 265 | 15 | 66 | 7 | 92 | 7 | 1,680 | |

# IMPERIAL RETURN No. VA.—(Criminal).

## Part II.

*Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI., 1864.*

| Offences for which awarded. | Number of stripes. 5 and under | 6 to 10 | 11 to 15. | 16 to 20. | 21 to 25. | 26 to 30. | Total. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| **IN ADDITION TO OTHER PUNISHMENTS.** | | | | | | | | |
| (Sections 3 and 1 Act VI., 1864.) | | | | | | | | |
| *A.—Section 3.* | | | | | | | | |
| 1. Theft as defined in ... ... Sec. 378, I P.C. | 2 | 12 | 21 | 13 | 8 | 3 | 59 | |
| " 380, " ... | ... | 3 | 4 | 8 | 7 | 16 | 38 | |
| " 381, " ... | ... | ... | ... | ... | ... | ... | ... | |
| " 382, " ... | ... | ... | ... | ... | ... | ... | ... | |
| 2. Extortion as defined in ... ... " 388, " ... | ... | ... | ... | 1 | ... | ... | 1 | |
| " 389, " ... | ... | .. | ... | .. | ... | ... | ... | |
| 3. Dishonestly receiving stolen property as defined in ... ... ... " 411, " ... | ... | 5 | 4 | 2 | 2 | 6 | 19 | |
| " 412, " ... | ... | ... | ... | ... | ... | .. | ... | |
| 4. Lurking house-trespass as defined in ... " 443, " ... | ... | ... | 1 | 2 | ... | 3 | 6 | |
| 5. Lurking house-trespass by night as defined in ... ... .. " 444, " ... | ... | ... | 5 | 3 | 2 | 15 | 25 | |
| 6. House-breaking as defined in ... " 445, " ... | ... | ... | 3 | 2 | 1 | 3 | 9 | |
| 7. House-breaking by night as defined in ... " 446, " ... | ... | 1 | 6 | 6 | 2 | 10 | 25 | |
| 8. Offences under section 14, Act III., 1880 ... ... | ... | ... | ... | 1 | ... | ... | 1 | |
| *B.—Section 4.* | | | | | | | | |
| 1. False evidence as defined in ... Sec. 193, I.P.C. | .. | ... | ... | ... | ... | ... | ... | |
| " 194, " ... | ... | .. | ... | ... | ... | ... | ... | |
| " 195, " ... | ... | ... | ... | ... | ... | ... | ... | |
| 2. False charge of unnatural offence as defined in ... ... ... " 211, " ... | ... | ... | ... | ... | ... | ... | ... | |
| " 377, " ... | ... | ... | ... | ... | ... | ... | ... | |
| 3. Assault as defined in ... ... " 354, " ... | ... | ... | ... | ... | 1 | ... | 1 | |
| 4. Rape as defined in ... ... " 375, " ... | ... | ... | ... | ... | ... | ... | ... | |
| 5. Unnatural offence as defined in . " 377, " ... | ... | ... | ... | ... | ... | ... | .. | |
| 6. Robbery as defined in ... ... " 390, " ... | ... | ... | 1 | ... | ... | ... | 1 | |
| 7. Dakaiti as defined in ... ... " 391, " ... | ... | ... | ... | ... | ... | ... | ... | |
| 8. Attempt at robbery as defined in ... " 393, " .. | .. | ... | ... | ... | ... | ... | ... | |
| 9. Hurt in committing robbery as defined in " 394, " ... | ... | ... | ... | ... | ... | ... | ... | |
| 10. Receiving stolen property as defined in . " 413, " ... | ... | ... | ... | 1 | ... | 1 | 2 | |
| 11. Forgery as defined in ... ... " 463, " ... | .. | ... | ... | ... | ... | ... | ... | |
| " 466, " ... | . | ... | ... | ... | ... | ... | ... | |
| " 467, " ... | ... | ... | ... | ... | ... | ... | ... | |
| " 468, " ... | ... | .. | ... | ... | ... | ... | ... | |
| " 469, " ... | ... | ... | ... | .. | ... | ... | ... | |
| 12. Lurking house-trespass as defined in ... " 443, " ... | ... | ... | ... | ... | ... | ... | ... | |
| 13. Lurking house-trespass by night as defined in ... ... ... " 444, " . | ... | ... | ... | ... | ... | ... | ... | |
| 14 House-breaking as defined in ... " 445, " ... | .. | . | ... | .. | . | ... | ... | |
| 15. House-breaking by night as defined in ... " 446, " ... | ... | ... | ... | ... | .. | ... | ... | |
| Offences under section 19, Act XXVII., 1871 .. ... | ... | 6 | 57 | 35 | 9 | 20 | 127 | |
| Ditto do. 487, Act III., 1880 ... ... ... | ... | ... | ... | ... | ... | ... | ... | |
| Total ... ... . ... | 2 | 27 | 102 | 74 | 32 | 77 | 314 | |

Note.—Include juveniles punished under any of these heads.

# IMPERIAL RETURN No. VA.—(CRIMINAL).

## PART III.

*Showing whippings inflicted under section 5, Act VI., 1864, on juveniles for offences other than those specified in Parts I. and II.*

| Offences. | Stripes | | | | | | | | | | | | Total. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 5 & under | | 6 to 10. | | 11 to 15. | | 16 to 20 | | 21 to 25. | | 26 to 30. | | | |
| | First conviction. | Subsequent conviction | First conviction. | Subsequent conviction. | First conviction. | Subsequent conviction. | First conviction. | Subsequent conviction. | First conviction. | Subsequent conviction. | First conviction. | Subsequent conviction. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Delivery to another of coin as genuine which when first possessed the deliverer did not know to be counterfeit, section 241, Indian Penal Code. | ... | .. | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | |
| Sale, &c, of obscene pictures, section 292, Indian Penal Code... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | |
| Voluntarily causing grievous hurt, section 325, Indian Penal Code. | 1 | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 | |
| Voluntarily causing grievous hurt by dangerous weapons or means, section 326, Indian Penal Code. | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | .. | ... | 1 | |
| Unnatural offences, section 377, Indian Penal Code ... | ... | ... | 3 | ... | ... | ... | 1 | ... | ... | ... | .. | ... | 4 | |
| Robbery, section 392, Indian Penal Code .. .. | 1 | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 2 | |
| Criminal breach of trust, section 406, Indian Penal Code ... | ... | ... | 1 | ... | .. | ... | ... | ... | ... | ... | ... | ... | 1 | |
| Ditto by a clerk or servant, section 408, Indian Penal Code, | ... | ... | ... | .. | ... | ... | 1 | ... | .. | ... | ... | ... | 1 | |
| Mischief by fire, section 436, Indian Penal Code ... | ... | ... | 2 | ... | 1 | ... | ... | . | ... | ... | ... | ... | 3 | |
| Section 5, Act VI, 1864... ... ... ... | ... | ... | 1 | ... | ... | .. | ... | ... | ... | ... | ... | ... | 1 | |
| Total ... | 2 | ... | 8 | ... | 5 | ... | 2 | ... | ... | ... | ... | ... | 17 | |

# IMPERIAL RETURN No. VA.—(CRIMINAL).

## PART IV.

*Showing relative number of times whipping was awarded as compared with other punishments.*

| Punishments | Number | Remarks |
|---|---|---|
| 1 | 2 | 3 |
| 1. *Total number of whippings awarded ... .. | 2,011 | |
| 2. †Total number of other punishments ... ... | 6,004 | |
| Percentage of whippings ... ... ... | 23 34 | |

* Total of column 14, Parts I and III and of column 8, Part II

† Not containing punishments of which whipping was a part but including all cases in which whipping might have been inflicted

# IMPERIAL RETURN No. VI.—(Criminal).

*Showing the result of appeals and revisions in criminal cases in the Province of Oudh during the year* 1888.

| Tribunals | Total number of appellants and applicants before the Courts. | Number of persons: Died, escaped or transferred to another province | Appeals or applications rejected | Sentence or order confirmed | Sentence enhanced | Sentence reduced or otherwise altered | Sentence reversed | Proceedings quashed | New trial or further enquiries ordered | Referred for revision to the High Court. | Pending trial | Average number of days during which each appeal lasted | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| *Appeals.* | | | | | | | | | | | | | |
| To Chief Magistrates of Districts ... | 1,221 | 2 | 64 | 686 | ... | 109 | 299 | ... | 28 | .. | 33 | 8·71 | |
| To Sessions Courts ... ... | 2,933 | 6 | 1,459 | 1,014 | | 125 | 241 | 37 | 1 | 4 | 46 | 10 85 | |
| Superior Courts... By persons convicted ... | 375 | ... | 128 | 198 | ... | 26 | 15 | ... | ... | ... | 8 | 26 02 | |
| Superior Courts... By Government ... | .. | ... | ... | ... | ... | . | . | ... | ... | ... | ... | ... | |
| Total . | 4,529 | 8 | 1,651 | 1,898 | ... | 260 | 555 | 37 | 29 | 4 | 87 | 11 64 | |
| *Revisions* | | | | | | | | | | | | | |
| By Chief Magistrates of Districts .. | 158 | ... | 606 | 134 | ... | | 15 | .. | 144 | 12 | 16 | 11·01 | 358 applications by 362 complainants against 769 accused. |
| By Courts of Sessions ... ... | 130 | ... | 155 | 70 | ... | | ... | ... | 6 | 19 | 30 | 15 85 | 60 „ „ 62 „ „ 150 „ |
| By Superior Courts ... ... | 274 | ... | 62 | 158 | 15 | 34 | 75 | 25 | 9 | ... | 8 | 17 78 | 67 „ „ 70 „ „ 112 „ |
| Total ... | 562 | ... | 823 | 362 | 15 | 34 | 90 | 25 | 159 | 31 | 54 | 13 88 | 485 „ „ 494 „ „ 1,031 „ |

# IMPERIAL RETURN No. XIII.—(CRIMINAL).

*Showing the use of juries and assessors in the Criminal Courts in the Province of Oudh for the year* 1888.

| Classes of Courts in which assessors are employed, distinguishing Criminal from Civil Courts. | Established or average number of jurors or assessors in each case, and prescribed qualification. | Number of cases tried by jury. | Number of cases with assessors. | Jury trials: Cases in which the Judge approved of the verdict. | Jury trials: Cases in which the Judge did not approve of the verdict: Wholly. | Jury trials: Cases in which the Judge did not approve of the verdict: Partially. | Jury trials: Number of persons of the verdict in respect to whom the Judge disapproved: Whose cases he referred under section 263, Criminal Procedure Code. | Jury trials: Number of persons of the verdict in respect to whom the Judge disapproved: Whose cases he did not refer under section 263, Criminal Procedure Code. | Assessors' trials: Number of cases in which Judges agreed with assessors. | Assessors' trials: Number of cases in which Judges differed from— One assessor. | Assessors' trials: Number of cases in which Judges differed from— Both assessors. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Commissioner, Lucknow Division, and Additional Sessions Judge, Lucknow. | 5 jurors ... | 29 | ... | 29 | ... | ... | ... | ... | ... | ... | ... | |
| | 2 assessors ... | ... | 66 | ... | ... | ... | ... | ... | 47 | 5 | 14 | |
| Commissioner, Sitapur Division ... ... | 2 do. ... | .. | 94 | ... | ... | ... | ... | ... | 72 | 12 | 10 | |
| Ditto, Fyzabad do. ... ... | 2 do ... | ... | 78 | ... | ... | ... | ... | ... | 69 | 7 | 2 | |
| Ditto, Rae Bareli do. ... ... | 3 do ... | . | 28 | ... | .. | ... | ... | ... | 25 | ... | 3 | |
| Total ... | ... | 29 | 266 | 29 | ... | ... | ... | ... | 213 | 24 | 29 | |

*A.—Showing in detail for each class the number of persons convicted in* 1888.

| Districts. | Offences against the State and relating to the Army and Navy, chapters VI. and VII, Indian Penal Code. | Offences against the public tranquillity, chapter VIII. | Offences by and relating to public servants, chapters IX. and X. | Offences against public justice and false evidence, chapter XI. | Offences relating to coin, stamps, weights and measures, chapters XII. and XIII. | Offences affecting public health, &c., and religion, chapters XIV. and XV. | Offences affecting the human body, chapter XVI. | Offences against property, chapter XVII. | Miscellaneous offences under the Penal Code, chapters XVIII. to XXII. | Total offences under the Penal Code. | Offences under the Code of Criminal Procedure and under special laws. | Grand Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lucknow city .. | ... | 27 | 6 | 16 | 1 | 71 | 185 | 462 | 19 | 787 | 2,691 | 3,478 |
| Lucknow ... | ... | 78 | 18 | 10 | 5 | 4 | 228 | 387 | 12 | 742 | 564 | 1,306 |
| Unao .... ... | ... | 59 | 17 | 21 | 3 | 13 | 295 | 521 | 11 | 940 | 473 | 1,413 |
| Bara Banki . ... | ... | 149 | 16 | 12 | 3 | 1 | 293 | 515 | 24 | 1,013 | 417 | 1,430 |
| Sitapur ... ... | .. | 45 | 42 | 48 | 10 | 1 | 399 | 771 | 26 | 1,342 | 761 | 2,103 |
| Hardoi .. ... | ... | 182 | 64 | 39 | 3 | 11 | 460 | 1,030 | 16 | 1,805 | 1,113 | 2,918 |
| Kheri ... ... | ... | 43 | 30 | 24 | 1 | 13 | 307 | 1,255 | 24 | 1,697 | 310 | 2,007 |
| Fyzabad .. ... | ... | 189 | 53 | 10 | 4 | 17 | 416 | 666 | 24 | 1,379 | 3,061 | 4,440 |
| Bahraich . ... | ... | 62 | 21 | 12 | 3 | 11 | 283 | 836 | 11 | 1,239 | 658 | 1,897 |
| Gonda ... ... | . | 152 | 62 | 49 | 1 | 7 | 398 | 788 | 38 | 1,495 | 1,610 | 3,105 |
| Rae Bareli ... ... | ... | 25 | 24 | 13 | 4 | 7 | 358 | 603 | 41 | 1,075 | 1,144 | 2,219 |
| Sultánpur ... ... | ... | 123 | 22 | 11 | 5 | 5 | 263 | 432 | 20 | 881 | 556 | 1,437 |
| Partábgarh . ... | ... | 2 | 25 | 15 | 10 | 7 | 246 | 558 | 30 | 893 | 364 | 1,257 |
| Total .. | ... | 1,136 | 400 | 280 | 53 | 168 | 4,131 | 8,824 | 296 | 15,288 | 13,722 | 29,010 |

*B.—Showing the number of cases brought to trial during the year, disposed of, and pending in the Courts of Session and the Courts of Magistrates in* 1888.

| Districts. | Courts of Session. | | | Courts of Magistrates. | | | Remarks. |
|---|---|---|---|---|---|---|---|
| | Brought to trial. | Disposed of | Pending. | Brought to trial. | Disposed of. | Pending | |
| Lucknow city ... | ... | ... | ... | 3,151 | 3,128 | 23 | |
| Lucknow ... ... | 65 | 54 | 11 | 1,655 | 1,637 | 18 | |
| Unao .. ... | 26 | 22 | 4 | 1,523 | 1,507 | 16 | |
| Bara Banki ... ... | 35 | 27 | 8 | 1,786 | 1,712 | 74 | |
| Sitapur .. ... | 50 | 44 | 6 | 2,636 | 2,608 | 28 | |
| Hardoi ... ... | 31 | 29 | 2 | 3,131 | 3,026 | 105 | |
| Kheri ... ... | 42 | 36 | 6 | 2,989 | 2,963 | 26 | |
| Fyzabad ... ... | 31 | 29 | 2 | 3,826 | 3,787 | 39 | |
| Bahraich ... ... | 21 | 19 | 2 | 2,006 | 1,958 | 48 | |
| Gonda ... ... | 35 | 30 | 5 | 3,692 | 3,640 | 52 | |
| Rae Bareli ... ... | 14 | 13 | 1 | 2,668 | 2,644 | 24 | |
| Sultánpur .. ... | 17 | 1 | 2 | 1,875 | 1,861 | 14 | |
| Partábgarh ... ... | 7 | . | ... | 1,691 | 1,666 | 25 | |
| Total ... | 374 | 32 | 49 | 32,629 | 32,137 | 492 | |

*C.—Showing the number of persons concerned in cases decided under the miscellaneous provisions of the Criminal Procedure Code during the year* 1888.

| Districts. | Frivolous or vexatious complaints summarily dealt with under chapter XX., section 250. | Proceedings against witness under chapter VI and section 485 of chapter XXXV. | Forfeiture of bail or recognizance under chapter XLII. | Non-attendance of jurors or assessors, chapter XXIII., section 332. | Contempts of court under chapter XXXV., section 480. | Proceedings under chapter VIII. to prevent breach of peace. | Proceedings under chapter VIII., security for good behaviour. | Proceedings against public nuisance, chapter X. | Possession, chapter XII. and section 522 of chapter XLIII. | Maintenance, chapter XXXVI. | Total of persons. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| City Lucknow ... ... | 1 | ... | 8 | ... | ... | 55 | 21 | 60 | 14 | 154 | 313 |
| Lucknow ... ... | 6 | ... | 1 | ... | ... | 20 | 13 | 40 | 6 | 50 | 136 |
| Unao .. . ... | 18 | ... | 2 | | ... | 117 | 42 | ... | ... | 37 | 211 |
| Bara Banki ... ... | 15 | .. | 5 | ... | ... | 211 | 14 | 2 | 7 | 64 | 318 |
| Sitapur ... ... | 10 | ... | 5 | 2 | ... | 93 | 68 | 26 | 4 | 65 | 273 |
| Hardoi ... ... | 6 | ... | 3 | ... | ... | 513 | 87 | 46 | 2 | 34 | 691 |
| Kheri . ... ... | 36 | ... | ... | ... | ... | 40 | 21 | 6 | 7 | 46 | 156 |
| Fyzabad ... ... | 22 | ... | 17 | ... | ... | 462 | 49 | 5 | 13 | 66 | 628 |
| Bahraich .. ... | 15 | 1 | 1 | ... | ... | 90 | 13 | ... | 4 | 30 | 154 |
| Gonda ... ... | 12 | ... | 5 | ... | ... | 456 | 126 | 1 | 16 | 50 | 666 |
| Rae Bareli ... ... | 18 | ... | ... | ... | ... | 251 | 21 | ... | 2 | 51 | 343 |
| Sultánpur ... ... | 16 | ... | 3 | ... | ... | 346 | 20 | 26 | 14 | 30 | 404 |
| Partábgarh ... ... | 10 | ... | 1 | ... | ... | 102 | 27 | ... | 16 | 32 | 188 |
| Total ... ... | 180 | 1 | 51 | 2 | ... | 2,756 | 516 | 212 | 105 | 718 | 4,541 |

*D.—Showing the results of trials in the Courts of Session in* 1888 (*as affecting persons*).

| Districts. | Number of persons under trial during the year. | Acquitted or discharged. | Convicted. | Referred. | Died, escaped or transferred. | Remaining under trial. | Number per cent. of persons entered in columns 3 and 4 and of those whose cases were referred under section 374, Criminal Procedure Code, who were convicted. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Lucknow .. ... | 94 | 17 | 60 | ... | ... | 17 | 77 | |
| Unao .. ... ... | 77 | 25 | 21 | .. | .. | 31 | 45 | |
| Bara Banki ... ... | 82 | 32 | 29 | ... | ... | 21 | 47 | |
| Sitapur ... ... ... | 95 | 28 | 47 | 7 | ... | 13 | 66 | |
| Hardoi ... ... .. | 64 | 20 | 35 | 7 | ... | 2 | 67 | |
| Kheri ... ... . | 71 | 13 | 45 | 6 | 1 | 6 | 78 | |
| Fyzabad . ... ... | 71 | 35 | 34 | ... | ... | 2 | 49 | |
| Bahraich ... .. ... | 44 | 24 | 16 | 1 | . | 3 | 41 | |
| Gonda ... ... .. | 77 | 38 | 29 | 1 | 1 | 8 | 43 | |
| Rae Bareli ... ... | 20 | 1 | 18 | ... | ... | 1 | 94 | |
| Sultánpur .. ... | 34 | 4 | 25 | ... | ... | 5 | 86 | |
| Partábgarh ... ... | 10 | 5 | 5 | ... | ... | ... | 50 | |
| Total ... | 780 | 242 | 364 | 22 | 2 | 100 | 61 | |
| Judicial Commissioner's Court, Oudh | 38 | 1 | 34 | ... | ... | 3 | 97 | |
| GRAND TOTAL ... | 777 | 243 | 398 | 22 | 2 | 112 | 63 | |

*E.—Showing the results of trials in the Courts of Magistrates in* 1888 (*as affecting persons*).

| Districts. | Number of persons under trial during the year. | Acquitted or discharged. | Convicted. | Committed or referred. | Died, escaped or transferred. | Remaining under trial. | Number per cent. of persons entered in columns 3 and 4 who were convicted. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Lucknow city ... ... | 5,406 | 1,871 | 3,433 | 64 | 1 | 37 | 65 | |
| Lucknow ... ... | 2,713 | 1,372 | 1,276 | 38 | 1 | 26 | 48 | |
| Unao . .. .. | 3,068 | 1,562 | 1,387 | 81 | 4 | 29 | 48 | |
| Bara Banki .. ... | 3,640 | 1,985 | 1,390 | 82 | 1 | 173 | 42 | |
| Sitapur .. ... ... | 4,975 | 2,797 | 2,025 | 83 | ... | 70 | 43 | |
| Hardoi ... ... ... | 6,226 | 2,988 | 2,871 | 63 | 7 | 297 | 49 | |
| Kheri ... ... ... | 5,079 | 3,010 | 1,956 | 70 | 5 | 38 | 40 | |
| Fyzabad .. ... ... | 8,163 | 3,565 | 4,402 | 63 | 8 | 125 | 55 | |
| Bahraich ... ... ... | 4,124 | 2,063 | 1,880 | 40 | ... | 141 | 48 | |
| Gonda . ... . | 6,428 | 3,154 | 3,071 | 83 | 1 | 119 | 49 | |
| Rae Bareli ... ... | 5,221 | 2,952 | 2,189 | 26 | 6 | 48 | 42 | |
| Sultánpur ... . | 3,900 | 2,439 | 1,412 | 25 | 1 | 23 | 37 | |
| Partábgarh ... ... | 2,985 | 1,652 | 1,252 | 9 | 12 | 60 | 46 | |
| Total ... | 61,923 | 31,410 | 28,553 | 727 | 47 | 1,186 | 48 | |

*F.—Showing the number of witnesses examined and the number of persons to whom payments were made on account of expenses in Courts of Session and Courts of Magistrates in* 1888.

| Districts. | Number of witnesses examined. | | | | Amount paid as expenses. | | Remarks. |
|---|---|---|---|---|---|---|---|
| | Courts of Session. | | Magistrates' Courts. | | Courts of Session. | Magistrates' Courts. | |
| | Number of persons to whom payments were made. | Number of witnesses examined. | Number of persons to whom payments were made. | Number of witnesses examined. | Amount paid. | Amount paid. | |
| | | | | | Rs. a. p. | Rs. a. p. | |
| City Lucknow ... | ... | ... | 2,504 | 6,440 | ... | 998 7 0 | |
| Lucknow . | 1,300 | 1,322 | 2,044 | 5,215 | 1,549 0 0 | 786 4 6 | |
| Unao . ... | ... | ... | 2,693 | 5,815 | ... | 1,201 1 0 | |
| Bara Banki ... | ... | .. | 3,528 | 6,612 | ... | 2,104 11 6 | |
| Sitapur ... ... | 1,284 | 1,356 | 4,427 | 9,995 | 2,044 15 9 | 2,541 12 0 | |
| Hardoi ... ... | ... | ... | 4,222 | 10,745 | . | 1,942 9 3 | |
| Kheri ... ... | .. | ... | 5,770 | 10,444 | ... | 2,591 6 [illegible] | |
| Fyzabad . ... | 836 | 932 | 2,759 | 8,150 | 920 6 6 | 2,232 10 6 | |
| Bahraich .. ... | ... | ... | 4,257 | 7,971 | ... | 2,208 5 3 | |
| Gonda .. ... | ... | ... | 4,044 | 9,721 | ... | 1,834 1 0 | |
| Rae Bareli ... | 213 | 288 | 4,186 | 7,791 | 187 14 0 | 1,802 0 0 | |
| Sultánpur ... | ... | ... | 3,599 | 5,990 | ... | 1,642 9 6 | |
| Partábgarh ... | ... | ... | 2,158 | 5,147 | ... | 1,040 4 0 | |
| Total ... | 3,542 | 3,898 | 46,191 | 99,536 | 4,702 4 8 | 22,926 1 6 | |

*G.—Showing the detention of witnesses in Courts of Session and Courts of Magistrates in* 1888.

| Districts | Number of witnesses discharged. | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Courts of Session. | | | | Magistrates' Courts. | | | |
| | On the 1st day. | On the 2nd day. | On the 3rd day | After the 3rd day. | On the 1st day. | On the 2nd day. | On the 3rd day. | After the 3rd day. |
| Lucknow city ... ... | . | ... | ... | ... | 5,935 | 337 | 137 | 31 |
| Lucknow ... ... ... | 842 | 366 | 77 | 37 | 4,732 | 377 | 98 | 8 |
| Unao ... ... ... | ... | ... | ... | ... | 4,804 | 373 | 48 | ... |
| Bara Banki .. ... ... | ... | ... | ... | ... | 6,333 | 228 | 43 | 8 |
| Sitapur ... ... ... | 1,056 | 195 | 98 | 7 | 9,541 | 407 | 42 | 5 |
| Hardoi ... ... ... | ... | ... | ... | ... | 9,770 | 818 | 146 | 11 |
| Kheri ... ... ... | ... | ... | ... | ... | 9,661 | 665 | 97 | 21 |
| Fyzabad ... ... ... | 691 | 153 | 63 | 25 | 7,831 | 302 | 16 | 1 |
| Bahraich ... ... ... | ... | ... | ... | ... | 7,910 | 61 | ... | ... |
| Gonda ... ... | ... | .. | ... | ... | 9,298 | 340 | 23 | 60 |
| Rae Bareli ... ... ... | 285 | 3 | ... | ... | 7,297 | 435 | 34 | 25 |
| Sultánpur ... ... ... | ... | ... | ... | ... | 5,493 | 347 | 63 | 87 |
| Partábgarh . ... ... | ... | ... | ... | ... | 4,700 | 319 | 29 | 9 |
| Total ... | 2,874 | 717 | 238 | 69 | 93,485 | 5,009 | 776 | 206 |

*H.—Showing the total amount of fines imposed in the exercise of original jurisdiction by the Criminal Courts in* 1888, *the amount realized, and the amount paid by way of compensation.*

| Districts. | Courts of Session. | | | Magistrates' Courts. | | | Remarks. |
|---|---|---|---|---|---|---|---|
| | Total amount of fines. | Amount realized. | Amount paid by way of compensation. | Total amount of fines. | Amount realized. | Amount paid by way of compensation. | |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs | |
| Lucknow city ... ... | ... | ... | ... | 13,335 | 7,454 | 1,517 | |
| Lucknow ... .. | 875 | 250 | 250 | 5,340 | 4,157 | 668 | |
| Unao ... ... ... | ... | ... | ... | 5,731 | 4,856 | 548 | |
| Bara Banki . .. | ... | ... | ... | 6,806 | 5,116 | 1,034 | |
| Sitapur ... ... | 1,342 | 284 | 184 | 6,637 | 5,344 | 1,215 | |
| Hardoi ... ... . | ... | ... | ... | 7,369 | 5,610 | 1,906 | |
| Kheri ... ... ... | ... | ... | ... | 7,623 | 5,815 | 956 | |
| Fyzabad ... ... | 1,453 | 25 | ... | 11,070 | 9,884 | 2,836 | |
| Bahraich ... ... | ... | ... | ... | 8,460 | 6,985 | 1,301 | |
| Gonda ... ... ... | ... | ... | ... | 16,024 | 11,064 | 1,969 | |
| Rae Bareli ... ... | 2,056 | 102 | 107 | 6,969 | 6,027 | 1,869 | |
| Sultánpur ... ... | ... | ... | .. | 5,697 | 4,826 | 810 | |
| Partábgarh .. ... | ... | ... | ... | 4,759 | 4,143 | 747 | |
| Total ... | 5,726 | 661 | 541 | 1,05,829 | 81,981 | 17,376 | |

*I.—Showing the number of appeals (cases) preferred, disposed of and pending in the Courts of Sessions Judges and of District Magistrates in* 1888.

| Districts. | Preferred. | | Disposed of. | | Pending. | | Remarks. |
|---|---|---|---|---|---|---|---|
| | Court of Session. | Court of District Magistrate. | Court of Session. | Court of District Magistrate. | Court of Session. | Court of District Magistrate. | |
| City Lucknow . ... ... | ... | 15 | ... | 15 | ... | ... | |
| Lucknow ... ... ... | 313 | 37 | 313 | 37 | ... | ... | |
| Unao ... ... ... .. | 50 | 58 | 43 | 57 | 7 | 1 | |
| Bara Banki .. ... ... | 220 | 27 | 216 | 27 | 4 | ... | |
| Sitapur ... ... ... | 326 | 43 | 321 | 43 | 5 | .. | |
| Hardoi ... ... .. | 297 | 88 | 290 | 88 | 7 | ... | |
| Kheri ... . .. | 349 | 60 | 346 | 56 | 3 | 4 | |
| Fyzabad . .. ... | 130 | 85 | 130 | 84 | ... | 1 | |
| Bahraich ... ... ... | 172 | 89 | 172 | 89 | ... | . | |
| Gonda ... ... . | 361 | 109 | 357 | 101 | 4 | 8 | |
| Rae Bareli ... ... | 119 | 113 | 112 | 106 | 7 | 7 | |
| Sultánpur ... . | 152 | 95 | 148 | 93 | 4 | 2 | |
| Partábgarh . ... ... | 86 | 43 | 86 | 42 | ... | 1 | |
| Total .. | 2,575 | 862 | 2,534 | 838 | 41 | 24 | |

*J.—Showing the number of applications for revision (cases) preferred, disposed of and pending in the Courts of Session and of District Magistrates in* 1888.

| Districts. | Preferred. | | Disposed of. | | Pending. | | Remarks. |
|---|---|---|---|---|---|---|---|
| | Court of Session. | Court of District Magistrate. | Court of Session. | Court of District Magistrate. | Court of Session. | Court of District Magistrate. | |
| City Lucknow ... ... ... | ... | 2 | ... | 2 | ... | ... | |
| Lucknow ... ... ... | 18 | 6 | 17 | 6 | 1 | ... | |
| Unao ... ... ... | 9 | 15 | 9 | 15 | ... | ... | |
| Bara Banki .. ... ... | 21 | 13 | 19 | 13 | 2 | ... | |
| Sitapur ... ... ... | 7 | 1 | 6 | 1 | 1 | ... | |
| Hardoi... ... ... ... | 4 | 33 | 4 | 33 | ... | 1 | |
| Kheri .. ... ... ... | 4 | 75 | 4 | 75 | ... | ... | |
| Fyzabad .. ... ... | 40 | 121 | 36 | 121 | 4 | ... | |
| Bahraich ... ... ... | 3 | 19 | 2 | 19 | 1 | ... | |
| Gonda ... ... ... ... | 22 | 46 | 22 | 42 | ... | 4 | |
| Rae Bareli ... ... ... | 10 | 21 | 9 | 21 | 1 | ... | |
| Sultánpur .. ... ... | 5 | 64 | 4 | 62 | 1 | 2 | |
| Partábgarh ... ... ... | 3 | 33 | 2 | 32 | 1 | 1 | |
| Total . | 146 | 449 | 134 | 441 | 12 | 8 | |

*K.—Showing the number of persons whose cases came before the Courts of Sessions Judges and of District Magistrates on appeal or application for revision, with the result as affecting the orders of the Lower Courts, in* 1888.

| Districts. | Appeals. | | | | Applications for revision. | | | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | Number of persons who appealed. | Ratio per cent. of persons appealing to persons in respect to whom appealable orders were passed | Number of applicants in whose cases the sentences or orders were confirmed. | Ratio per cent of affirmed to decided | Number of applicants (accused persons) for revision. | Number of applicants (accused persons) whose applications were rejected or in whose cases orders were confirmed. | Ratio per cent of rejected to disposed of. | |
| Lucknow city ... | 20 | 1· | 15 | 75· | 1 | 1 | 100· | |
| Lucknow . ... | 390 | 60· | 146 | 37 | 20 | 20 | 100 | |
| Unao ... ... | 182 | 16· | 67 | 38· | 15 | 15 | 100 | |
| Bara Banki ... | 204 | 35· | 109 | 37· | 18 | 18 | 100· | |
| Sitapur ... ... | 413 | 28 | 149 | 36· | 5 | 5 | 100· | |
| Hardoi ... .. | 460 | 19· | 232 | 51· | 19 | 17 | 89· | |
| Kheri ... ... | 416 | 33· | 136 | 33· | 14 | 14 | 100· | |
| Fyzabad ... ... | 310 | 9· | 187 | 60· | 135 | 135 | 100· | |
| Bahraich ... ... | 288 | 25· | 132 | 45· | 7 | 6 | 85· | |
| Gonda ... ... | 507 | 22 | 199 | 40· | 47 | 47 | 100· | |
| Rae Bareli ... | 319 | 17· | 126 | 41· | 9 | 9 | 100· | |
| Sultánpur ... | 354 | 38· | 107 | 31· | 12 | 12 | 100· | |
| Partábgarh ... | 201 | 24· | 95 | 47· | 16 | 14 | 87· | |
| Total ... | 4,154 | 19· | 1,700 | 41· | 318 | 313 | 98· | |

*L.—Showing the number of appeals and applications for revision (cases) preferred, disposed of and pending in the High Court in* 1888.

| District. | Appeals. | | | Applications for revision. | | | Remarks. |
|---|---|---|---|---|---|---|---|
| | Preferred. | Disposed of. | Pending. | Preferred. | Disposed of. | Pending. | |
| Lucknow... ... ... | 50 | 50 | ... | 14 | 13 | 1 | |
| Unao ... ... ... | 13 | 13 | ... | 10 | 10 | ... | |
| Bara Banki ... ... | 29 | 27 | 2 | 10 | 10 | ... | |
| Sitapur ... ... ... | 37 | 36 | 1 | 13 | 13 | ... | |
| Hardoi ... ... .. | 24 | 23 | 1 | 14 | 13 | 1 | |
| Kheri ... ... ... | 28 | 28 | ... | 5 | 5 | ... | |
| Fyzabad ... ... ... | 31 | 29 | 2 | 18 | 16 | 2 | |
| Bahraich . ... ... | 15 | 15 | ... | 2 | 2 | ... | |
| Gonda ... ... ... | 48 | 48 | ... | 13 | 12 | 1 | |
| Rae Bareli ... ... | 15 | 13 | 2 | 8 | 8 | ... | |
| Sultánpur ... ... | 16 | 16 | ... | 1 | 1 | ... | |
| Partábgarh ... .. | 4 | 4 | ... | 3 | 3 | ... | |
| Total ... | 310 | 302 | 8 | 111 | 106 | 5 | |

*M.—Showing the result as affecting persons of appeals and revisions in the High Court of Oudh in* 1888.

| Sessions Divisions. | Appeals. | | | | | | Applications for revision. | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Rejected. | Sentence affirmed. | Sentence reversed. | Sentence varied. | Further enquiry ordered. | Otherwise disposed of. | Rejected. | Order affirmed. | Order reversed. | Order varied. | Further enquiry ordered. | Otherwise disposed of. |
| Lucknow ... | 32 | 18 | 2 | 3 | ... | ... | 7 | 9 | ... | ... | 1 | ... |
| Unao ... ... | 6 | 11 | ... | ... | ... | ... | 6 | 20 | 8 | .. | ... | ... |
| Bara Banki ... | 5 | 23 | ... | 2 | ... | ... | 2 | 5 | 5 | 2 | ... | ... |
| Sitapur ... | 8 | 32 | ... | 15 | ... | ... | 7 | 13 | 1 | 1 | 2 | ... |
| Hardoi ... | 7 | 23 | 1 | 5 | ... | ... | 16 | 8 | 6 | ... | 2 | ... |
| Kheri ... ... | 6 | 26 | 3 | 1 | ... | ... | 2 | 5 | .. | ... | ... | ... |
| Fyzabad ... | 17 | 18 | 2 | ... | ... | ... | 4 | 17 | 22 | 2 | ... | ... |
| Bahraich ... | 7 | 9 | 1 | ... | ... | ... | 3 | 7 | ... | ... | .. | ... |
| Gonda ... ... | 31 | 19 | 4 | ... | ... | ... | 6 | 7 | 1 | 1 | ... | ... |
| Rae Bareli ... | 3 | 8 | 2 | ... | ... | ... | 3 | 3 | 7 | ... | ... | ... |
| Sultánpur ... | 5 | 12 | ... | ... | ... | ... | 2 | ... | ... | ... | ... | ... |
| Partábgarh ... | 1 | 4 | ... | ... | ... | ... | 4 | 2 | ... | ... | ... | ... |
| Total ... | 128 | 198 | 15 | 20 | ... | ... | 62 | 102 | 50 | 6 | 5 | ... |

*N.—Criminal business coming before the High Court of Oudh in* 1888.

| Description of cases. | Remaining from 1887. | Filed in 1888. | Disposed of in 1888. | Remaining at the close of 1888. |
|---|---|---|---|---|
| Original business ..... ... ... ... ... | ... | ... | ... | ... |
| **Appeals.** | | | | |
| By persons convicted .. From the orders of Deputy Commissioners acting under section 34 of the Code of Criminal Procedure. | 2 | 37 | 37 | 2 |
| By persons convicted .. Sessions Judges ... ... ... ... | 7 | 273 | 274 | 6 |
| By the Local Government. From the judgment of acquittal of all Courts ... | ... | ... | ... | ... |
| Total ... | 9 | 310 | 311 | 8 |
| **References.** | | | | |
| Cases in which sentence of death passed by Sessions Judges was referred for confirmation under section 374 of the Code of Criminal Procedure. | 1 | 29 | 27 | 3 |
| Cases in which proceedings held against persons who could not understand them were referred for orders under section 341 of the Code of Criminal Procedure. | ... | 3 | 3 | ... |
| Total ... | 1 | 32 | 30 | 3 |
| **Revision.** | | | | |
| Cases referred for revision by District Magistrates and Sessions Judges under section 438 of the Criminal Procedure Code. | ... | 89 | 88 | 1 |
| Cases dealt with by the Court under section 439 of the Code of Criminal Procedure— | | | | |
| (1) Cases decided by Magistrates .. ... ... ... ... | 3 | 59 | 60 | 2 |
| (2) Cases decided by Sessions Judges ... ... ... ... | 3 | 52 | 52 | 3 |
| Total ... | 6 | 200 | 200 | 6 |
| Grand Total ... | 16 | 542 | 541 | 17 |

# ORDERS OF GOVERNMENT.

BENGAL SECRETARIAT LIBRARY

No. $\frac{2544}{VI-420B}$ OF 1889.

FROM

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH,

TO

THE JUDICIAL COMMISSIONER OF OUDH.

DATED ALLAHABAD, THE 4TH NOVEMBER, 1889

SIR,

JUDICIAL DEPT. (CRIMINAL)

I AM directed to acknowledge the receipt of your No. 1216, dated 9th August, 1889, being your report on the Administration of Criminal Justice in Oudh for the calendar year 1888, together with the prescribed returns The report was due on the 15th May, 1889, but was not received from the Press till the 30th September. Arrangements should be made by you to ensure its more punctual submission in future.

2 The annexed abstract shows the number of offences reported, returned as true, and brought to trial comparatively in both the North-Western Provinces and Oudh for the period under report and for the previous year :—

| | | 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|---|---|
| | | Reported | Returned true. | Brought to trial. | Percentage of column 2 to column 1 | Percentage of column 3 to column 2 | Number of reports to 10,000 of population. |
| N.-W. Provinces, | 1887 .. | 262,646 | 217,053 | 108,224 | 82·64 | 42 86 | 80 57 |
| | 1888... | 168,976 | 124,103 | 111,372 | 73 44 | 89 74 | 51 64 |
| Oudh | 1887 .. | 46,839 | 31,605 | 32,142 | 67 47 | 101 69 | 41 06 |
| | 1888 .. | 47,508 | 32,110 | 32,683 | 67 58 | 101 78 | 41 64 |

3. In last year's review it was noticed that a different system seemed to be in force in the two Provinces regarding the preparation of Judicial Statement No. 2. The Government of India have ruled that column 2 of that statement ("cases reported") is intended to refer only to cases proper, and not to reports of offences made to the police, which are not brought to the knowledge of the Magistrate Prior to the year 1888 all reports made to the police, whether recorded under section 154 or 155 of the Code of Criminal Procedure, were entered in the North-Western Provinces judicial returns, because in these Provinces all such reports are laid before a Magistrate, and so were considered to have been "brought to the notice of a Magistrate," and to fall within the terms of paragraph 6, G. G. O. No 170, dated 8th February, 1886

In Oudh, on the contrary, the returns appear to have been prepared in strict accordance with the letter of the instructions of the Government of India, which specially refer to cases falling within the scope of section 170 of the Code of Criminal Procedure. The large decrease shown in columns 1 and 2 of the above abstract for the North-Western Provinces is due to the fact that mere reports to the police have this year been excluded; but the returns for the North-Western Provinces appear still to include cases under section 169 of the Criminal Procedure Code, which are certainly brought to the notice of a Magistrate, though not specified by the Government of India. Such cases appear to be excluded from the Oudh returns. A further discrepancy in the figures given in the above abstract is that more cases are shown in Oudh as brought to trial than returned as true. In the North-Western Provinces a case is not entered as "brought to trial" unless the accused has appeared personally or by agent before the Court, and thus a large number of cases which are struck off in default of appearance of or for non-prosecution by the complainant do not appear under that head. The practice in Oudh would appear to be to include such cases, whether the accused was before the Court or not. Thus the figures for the common offences of hurt and assault in 1888 were—

| | | *Reported.* | *True* | *Brought to trial.* |
|---|---|---|---|---|
| Hurt | N.-W. Provinces | 35,462 | 23,142 | 21,256 |
| | Oudh | 11,203 | 6,712 | 6,838 |
| Assault | N.-W. Provinces | 15,908 | 10,101 | 8,724 |
| | Oudh | 3,709 | 2,144 | 2,176 |

These matters are forming the subject of a separate inquiry, and separate orders will issue to ensure uniformity in future in the preparation of these returns.

4. The number of offences reported in Oudh shows a slight increase in 1888 of 669 cases: the greater portion, however, being under the head of non-cognisable crime. In Fyzabad and Sultanpur there was a decrease in cognisable cases; but, as has been noticed in the review of the police report, reporting by the police was far from perfect in either district. There would appear to be a greater tendency in Oudh than in the North-Western Provinces to strike off cases as false and to dismiss complaints under section 203 of the Criminal Procedure Code. The percentage for Oudh of such cases was 32·: for the North-Western Provinces only 26·. In Oudh we find that of 6,543 cases of theft, 1,658, or 25 per cent., were so treated, while in the North-Western Provinces the percentage was only 17·. The practice referred to by you as prevailing in the Partabgarh district, of lower Courts expunging such cases on the application of the District Superintendent of Police, is open to much objection; such power should be reserved to the District Magistrate alone. The Deputy Commissioner of Bara Banki, who comments on the large number of such cases struck off in his district, was, as you remark, himself responsible for this result. Resort to the provisions of section 250 of the Code of Criminal Procedure seems to have steadily decreased in Oudh during the last three years. While great care in dismissing complaints under section

203 should always be exercised, it would seem desirable, in the event of a complaint being found to be frivolous or vexatious, that the provisions of section 250 should be more readily enforced. The question of enlarging the scope of the latter section has been referred by this Government to the Legislature.

5. The number of persons tried and convicted, compared with the total population of both Provinces, was as follows :—

| | Total population. | Number of persons tried. | Number of persons convicted. | Number of convictions to 10,000 of population. | Percentage of convictions to persons tried. |
|---|---|---|---|---|---|
| North-Western Provinces, | 32,720,128 | 189,719 | 90,450 | 27·64 | 47·67 |
| Oudh ... ... | 11,407,625 | 62,027 | 29,010 | 25·43 | 46·76 |

The highest percentages of convictions were obtained in Lucknow City (64·), Fyzabad (55·), and Gonda (49·); but from the figures quoted in paragraph 65 of your report it is evident that a considerable falling off took place in the Lucknow (9·20), Sitapur (7·31), and Sultanpur (9·39) districts. The statistics quoted in paragraph 66 of the report also show a decrease in convictions in all classes of Courts, with the exception of Benches of Honorary Magistrates, who deal chiefly with cases of local nuisances.

6. Comparing the results for the different classes of offences, we find the following differences between the two Provinces :—

| | Number convicted per 10,000 of population. | |
|---|---|---|
| | *Oudh.* | *N.-W. Provinces.* |
| Offences against public authority (Statement II, Heads 1—10) ... | 1·78 | 3·19 |
| Offences against property (Statement II, Heads 19—28) ... | 7·72 | 9·22 |

In respect of the offence of mischief, which forms a common subject of petty accusation, the difference was considerable :—

| | *Oudh.* | *N.-W. Provinces.* |
|---|---|---|
| Percentage of convictions to the total number of cases ... | 25· | 16· |

The similar percentages in cases in Oudh of hurt (19·) and criminal force and assault (16· and 17·) were even lower, and indicate that the time of our Courts is still to a considerable extent unnecessarily occupied with a large number of trivial cases, accused persons in many instances being unwarrantably brought before the Courts. An examination of the figures given in paragraphs 20 and 22 of your report points to the fact that in many districts in Oudh greater discretion in the admission of complaints of these offences might have been exercised. It is also abnormal to find that out of 58 persons put on their trial for rape, 29 should have been discharged for want of prosecution. In cases of theft, robbery, and receiving stolen property. the district of Sultanpur shows badly. In cases of cheating the

provincial percentage of convictions was only 22·, while in offences relating to marriage, which increased in number considerably, it was only 18·. In criminal intimidation cases it fell to 19· from 27· in 1887. The increase from 147 to 237 in prosecutions under the Criminal Tribes Act in Gonda, regarding which no explanation has been offered, was doubtless due to increased action taken against the Barwárs. Breaches of municipal bye-laws were in excess of those for 1887. The increased activity in prosecutions of this description is chiefly noticeable in Fyzabad (+ 632) and in a lesser degree in Lucknow City (+ 247) and Hardoi (+ 186). The correctness of the figures quoted in paragraph 38 of "persons tried" would appear to be doubtful. The number of persons tried in 1888 should probably be 1,936 and not 7,936. A steady increase in cases under the Railway Act is observed: on the other hand fewer breaches of the stamp law were prosecuted (246 against 605), and in Sultanpur and Fyzabad the number fell off considerably, which, in your opinion, was due to unusual laxity on the part of the Deputy Commissioners of those districts.

7. The number of persons called on to furnish security to keep the peace rose (1,964 to 2,756), as did the number of bad characters who were asked to give security for their good behaviour (370 to 516). The districts of Hardoi and Gonda were both conspicuous for increased activity in respect of both classes of prosecution. Colonel Quin has commented somewhat strongly on the procedure in his district regarding the latter class of cases, and seems to consider that the law has been somewhat strained. He also has referred to the difficulty experienced in acting strictly in accordance with the Judicial Commissioner's rule, that such cases should always be enquired into by Magistrates, on the spot, when on tour. A Magistrate no doubt has better opportunities of ascertaining the truth or falsity of the charge when in the neighbourhood of the residence of the accused; but, on the other hand, in many cases it may not be advisable to delay the inquiry till the camping season. The rule seems to go beyond the law which nowhere imposes any such restrictions upon Magistrates; and may, if strictly adhered to, lead to the bad characters of a district absenting themselves during the short period during which the Magistrate can visit their neighbourhood, but committing offences with impunity during the rest of the year. The rule might be with advantage taken into re-consideration; and to prevent abuse, it would be well if District Magistrates were either to take up this class of cases themselves, or to exercise a close supervision over them.

8. The amount of work done by Native Stipendiary Magistrates seems steadily to increase. The figures for the last two years are—

| | | 1887. | | 1888. | |
|---|---|---|---|---|---|
| | | *Persons* | *Percentage.* | *Persons* | *Percentage* |
| Full-powered Magistrates— | | | | | |
| Natives | ... | 21,719 | 36·8 | 23,752 | 39 1 |
| Europeans | .. | 7,643 | 12·9 | 6,622 | 10 9 |

The unpaid Magistracy disposed of 26· per cent. of the total number of persons disposed of by all classes of Magistrates, and the acknowledgments of Government are due to those Honorary Magistrates who have been specially mentioned by you in paragraphs 56 and 58 as having rendered valuable assistance, and been regular in their sittings The Lucknow City and Fyzabad Benches in particular disposed of a large number of cases. The figures for both Provinces showing the work done by the unpaid Magistracy for both years were—

| | 1887. | | 1888. | |
|---|---|---|---|---|
| | *Benches.* | *Singly* | *Benches.* | *Singly.* |
| North-Western Provinces .. | 14,561 | 11,638 | 17,669 | 11,550 |
| Oudh ... | 4,927 | 3,411 | 4,941 | 3,297 |

Deputy Commissioners of Districts in Oudh tried a larger number of cases in the exercise both of their ordinary and enhanced powers. The quantity of work done by Colonels Noble and Harrison on the one hand, and Messrs. Gibson and Butts on the other, was above the average.

9. Fewer cases remained pending at the close of the year; but 105 of the number (192) belonged to the Hardoi district. The average duration increased slightly (from 5·93 to 6·02 days). Hardoi in this respect is also conspicuous, with an average duration of 12 days. The duration in Honorary Magistrates' Courts was in six districts above the provincial average, reaching in Sultanpur 11 days. It should be possible to effect a reduction in these Courts.

10. The following abstract shows the various punishments inflicted during the year by the Courts in both Provinces, compared with the population :—

| | Capital. | Per million. | Transportation. | Per million. | Imprisonment above six months | Per 10,000. | Imprisonment for six months and under. | Per 10,000. | Fines (persons). | Per 10,000. | Whipping. | Per 10,000. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| North Western Provinces. | 98 | 2 99 | 241 | 7 30 | 6,705 | 2 04 | 21,563 | 6 59 | 56,724 | 17 33 | 3,956 | 1 20 |
| Oudh ... | 35 | 3 06 | 55 | 4·82 | 2,289 | 2·00 | 7,235 | 6 34 | 18,338 | 16 07 | 2,011 | 1 76 |
| Total .. | 134 | 3 01 | 296 | 6 77 | 8,994 | 2 03 | 28,798 | 6 52 | 75,062 | 17 01 | 5,968 | 1·35 |

The ratio of capital sentences was nearly the same in either Province, but was in the case of sentences of transportation much smaller in Oudh. Fewer short sentences and fines were also inflicted in Oudh, but whipping was more freely resorted to. In Oudh whipping was inflicted in 23 per cent. of the cases in which it might have been inflicted. In the North-Western Provinces the percentage was only 15·. The proportion of fines realised (81·) was less than in 1887 (84·), or than the proportion realised in the North-Western Provinces (86·).

In Bara Banki, Gonda, and Lucknow City it was abnormally low. The fact that at the close of the year the amount of outstanding fines was double the amount unrealised at the end of 1887 is not creditable to the Courts concerned, and seems to indicate a want of judgment as regards the amounts imposed. Less attention was paid to compensating injured persons. The percentage of fines so paid to complainants to fines realised fell from 40 to 24·. In 464 cases compared with 257 in 1887 references were made under section 349 of the Criminal Procedure Code by Subordinate Courts to District Magistrates for enhanced punishment.

11 The total number of persons who appealed or applied for revision in both Provinces, and the result, was—

| | Appealed or applied for revision | Percentage to number convicted. | Number whose sentences were upheld | Percentage to total. |
|---|---|---|---|---|
| North-Western Provinces ... ... | 21,935 | 24 25 | 15,954 | 72 73 |
| Oudh ... ... ... | 5,091 | 17 54 | 4,734 | 92 79 |

These figures show a greater readiness to appeal in the North-Western Provinces, and considerably greater success, than in Oudh. A reference to Statement K appended to your report shows that it has been incorrectly compiled. The figures shown in column 4 do not include, as they should, the figures shown in column 4 of Imperial Statement VI, and the figures for revision shown in the former statement do not tally with those shown in the latter. The result of appeals from the Sultanpur and Khori districts, as indicated by Statement K, does not appear satisfactory. The average duration of appeals was 11 64 days in Oudh and 14 days in the North-Western Provinces: of applications for revision 13·88 days in Oudh and 16 days in the North-Western Provinces. Deputy Commissioners seem to have exercised less supervision over their subordinates by *suo motu* calling for cases; but the right of appeal is now much more freely exercised than formerly. The number of cases so called for fell from 1,087 to 931. You instance the case of Mr. Denniston, Deputy Commissioner of Sultanpur, who only called for seven cases in 10 months. Judging by the result of appeals in that district above referred to, more supervision on his part would have been desirable. The number of witnesses examined by the Oudh Courts increased; and although fewer witnesses received diet-money than in 1887, the percentage of the latter (46·) to the total number compares favourably with the similar percentage in the North-Western Provinces, which was 21· for Magistrates' Courts. The weeding of records and the condition of the record-rooms in the districts named in paragraph 84 of your report would appear to indicate an unsatisfactory state of affairs. This matter should form the subject of special inquiry by the Commissioners concerned when on tour.

12. As regards the work in Sessions Courts, it is noticed that the file of the Sessions Judge of Sitapur was heavy, and yet he was able to effect a material reduction in the duration of cases in his Court. Trials

by jury are only held in Lucknow, and the following abstract shows the result for such trials and for those held with the aid of assessors in both Provinces :—

| | Juries | Assessors. | Judge agreed with juries | Percentage of column 4 to column 2 | Judge agreed with assessors. | Percentage of column 6 to column 3. |
|---|---|---|---|---|---|---|
| North-Western Provinces . | 131 | 1,349 | 120 | 91 6 | 1,012 | 75 0 |
| Oudh ... | 29 | 266 | 29 | 100 | 213 | 80 0 |

Judges in Oudh thus agreed with the jury in every case, and with the assessors in four out of every five cases.

I have the honor to be,

SIR,

Your most obedient servant,

W C. BENETT,

*Secy. to Govt., N.-W. P. and Oudh.*